ACTS
OF
ASSEMBLY,

PASSED in the
Colony of *VIRGINIA*,
From 1662, to 1715.

VOLUME I.

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	An Act for reviving the Seventh Act of Assembly, made at James-City *the Sixteenth Day of* April, 1691, *and for ascertaining the Size of Tobacco Hogsheads.*	180
	An Act for raising a publick Levy.	ibid.
1696.	*An Act for Punishment of Fornication, and several other Sins and Offences.*	181

An

An Act for altering the Court Days in Accomack *County.* Pag. 183 Pass'd, *1696.*

An Act giving a Reward to Indians *for killing of Wolves.* ibid.

An Act for repealing the Prohibition of planting Tobacco after the last Day of June *annually.* 184

An Act for ascertaining Damages upon Appeals. ibid.

An Act for imposing Penalties upon the Non-appearance of Evidences. 185

An Act declaring how long Judgments and Specialties shall be pleadable. 186

An Act for ascertaining the Place where the Court for York *County shall be kept,* ibid.

An Act for ascertaining the Gauge of Pork, Tar, and other Barrels. 187

An Act for Prevention of clandestine Marriages. 188

An Act for the better Support and Maintenance of the Clergy. 189

An Act for regulating and ascertaining County Court Clerks Fees. 190

An Act appointing Rangers at the Heads of the Four great Rivers. ibid.

An Act for raising a publick Levy. ibid.

An Act for raising a publick Levy. 191 *1697.*

An Act for the more effectual suppressing of Blasphemy, Swearing, Cursing, Drunkenness, and Sabbath-breaking. 193 *1699.*

An Act for Prevention of undue Election of Burgesses. 195

An Act to prevent the Discontinuance of Courts and Process. 197

An Act for regulating of Juries. 198

An Act for the restraining and punishing of Pirates and Privateers. ibid.

An Act for the Punishment of Slaves for the first and second Offence of Hog-stealing. 200

An Act prohibiting the unseasonable killing of Deer. ibid.

An Act appointing a Committee for the Revisal of the whole Body of the Laws of this his Majesty's Colony and Dominion. 201

An Act prohibiting the Exportation of Indian *Corn till the 25th Day of* December, 1700. ibid.

An Act for confirming Titles to Town Lands. ibid.

An Act for lessening the Levy by the Poll, and laying an Imposition upon Liquors, for and towards the building the Capitol, and other publick Uses. 203

An Act for laying an Imposition upon Servants and Slaves imported into this Country, towards building the Capitol. ibid.

An Act ascertaining Collectors and Naval Officers Fees. ibid.

An Act directing the building the Capitol and the City of Williamsburgh, *&c.* 205

An Act appointing a Treasurer. ibid.

An Act for raising a publick Levy. ibid.

Pass'd,		Pag.
1700.	*An Act for continuing the Act prohibiting the Exportation of* Indian *Corn.*	207
	An Act making the French *Refugees, inhabiting at the* Manakin *Town, and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of publick and County Levies for Seven Years.*	ibid.
	An Act for the more effectual and speedy carrying on the Revisal of the Laws.	ibid.
	An Act for raising a publick Levy.	ibid.
1701.	*An Act for the better strengthning the Frontiers, and discovering the Approaches of an Enemy.*	209
	An Act for the more effectual apprehending an out-lying Negro, who hath committed divers Robberies and Offences.	212
	An Act giving power to the Sheriffs attending the General Court, to summon Jurors and Evidences within the City of Williamsburgh, *and half a Mile round the same.*	213
	An Act for dividing King *and* Queen *County.*	ibid.
	An Act continuing the Acts laying Impositions on Liquors, Servants, and Slaves, until the 25th of December, 1703.	ibid.
	An Act giving further Directions in building the Capitol, and for building a publick Prison.	ibid.
	An Ordinance of Assembly prohibiting the Ordinary-keepers to entertain the Workmen employed in building the Capitol.	ibid.
	An Ordinance of Assembly for settling the Bounds of the Isle of Wight, Surry, *and* Charles-City *Counties, on the South-side* Black-water *Swamp.*	ibid.
1702.	*An Act for the continuing, meeting, and sitting of General Assemblies, in case of the Death or Demise of his Majesty, his Heirs and Successors.*	215
	An Act to prevent Masters of Ships or Vessels running away after Imbargoes laid.	216
	An Ordinance of Assembly for settling the dividing Lines between the Counties of the Isle of Wight, Surry, Charles-City, *and* Nanzemond, *on the South-side of* Black-water *Swamp.*	217
	An Act for the Regulation and Settlement of Ferries, and for Dispatch of publick Expresses, and for the speedy Transporting of Forces over Rivers and Creeks in time of Danger.	219
	An Act for dividing Charles-City *County.*	ibid.
	An Act prohibiting Seamen being harboured or entertained on Shore.	ibid.
	An Ordinance for Defence of the Country in time of Danger.	ibid.
	An Act for raising a publick Levy.	220
1705.	*An Act for laying an Imposition upon Liquors and Slaves.*	221
	An Act for regulating the Elections of Burgesses, for settling their Privileges, and for ascertaining their Allowances.	ibid.
	An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein.	227

An

An Act declaring who shall not bear Office in this Country. Pag. 230 Pass'd, 1705.

An Act against importing Tobacco from Carolina, *and other Parts without the Capes of* Virginia. ibid.

An Act for ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch. 231

An Act concerning Tythables. 233

An Act concerning publick Claims. 235

An Act concerning the Collection of the publick and County Levies, and for the better Payment of the same to the respective Creditors therein concerned. 236

An Act directing the building and maintaining of Prisons, Pillories, Whipping-Posts, Stocks, and Ducking-Stools, in every County; and for settling the Rules of Prisons. 238

An Act for the speedy and easy Prosecution of Slaves committing capital Crimes. 239

An Act to prevent the clandestine Transportation or carrying off Persons in Debt, Servants and Slaves, out of this Colony. 240

An Act concerning Waifts and Strays. 243

An Act against stealing Hogs. 244

An Act for Prevention of Trespasses by unruly Horses, Cattle, Hogs, Sheep, and Goats, and by taking away Boats and Canoes. 246

An Act giving a reward for killing of Wolves. 247

An Act for Encouragement of the Land Frontiers. 248

An Act directing the building an House for the Governor of this Colony and Dominion. 249

An Act for establishing the General Court, and for regulating and settling the Proceedings therein. 251

An Act for inlarging the Power of the Sheriff attending the General Court, and of the Constables of Bruton *Parish.* 260

An Act concerning the granting, seating, and planting, and for settling the Titles and Bounds of Lands, and for preventing unlawful shooting and ranging thereupon. ibid.

An Act declaring the Negro, Mulatto, and Indian *Slaves within this Dominion to be Real Estate.* 261

An Act for settling the Militia. 262

An Act directing the Duty of Surveyors of Land, and ascertaining their Fees. ibid.

An Act to prevent Indians *hunting and ranging upon patented Lands.* 265

An Act for raising a publick Revenue for the better Support of the Government of this her Majesty's Colony and Dominion of Virginia; *and for ascertaining the Salary of the Council.* ibid.

An Act for preventing Frauds in the Customs, and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting of Ballast and dead Bodies into Rivers and Creeks. 266

An

Pass'd, 1705. *An Act for the continuing of General Assemblies, in case of the Death or Demise of her Majesty, her Heirs or Successors; and for making valid all Acts of the Governor and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of* England, *and the Notification thereof in this Country.* Pag. 269

An Act laying an Imposition upon Skins and Furs, for the better Support of the College of William and Mary *in* Virginia. 270

An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons. 271

An Act for Security and Defence of the Country in times of Danger. 274

An Act concerning Juries. ibid.

An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates. 276

An Act declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force, for the Assignment of Bonds and Obligations, directing what Proof shall be sufficient in such Cases, and ascertaining the Damage upon protested Bills of Exchange. 279

An Act for Limitation of Actions, and avoiding of Suits. 282

An Act for Attorneys prosecuting Suits on behalf of Persons out of the Country, to give Security for the Payment of such Costs and Damages, as shall be awarded against them. 284

An Act directing the manner of levying Executions, and for Relief of poor Prisoners for Debt. ibid.

An Act for removing Criminals from the Goals of the Counties where they shall be apprehended, to the publick Goal at Williamsburgh. 287

An Act for making, clearing, and repairing the Highways, and for clearing the Rivers and Creeks. 289

An Act for regulating Ordinaries, and Restraint of Tipling-houses. 291

An Act for Encouragement of building Water-Mills. 294

An Act for establishing Ports and Towns. 296

An Act continuing the Act directing the building the Capitol and the City of Williamsburgh, *with Additions.* ibid.

An Act for confirming Titles to Town Lands. ibid.

An Act for Naturalization. 297

An Act for improving the Staple of Tobacco, and for regulating the Size and Tare of Tobacco Hogsheads. 298

An Act to prevent Ships sailing in contempt of Imbargoes. 301

An Act concerning Marriages. 302

An Act concerning Servants and Slaves. 305

An Act to prevent killing Deer at unseasonable Times. 314

An Act to explain part of an Act of this present Session of Assembly, Intituled, An Act directing the manner of levying Executions, and for Relief of poor Prisoners for Debt. 315

An

An Act for Prevention of Misunderstandings between the Tributary Indians *and other her Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all* Indians *whatsoever.* Pag. 315 — Pass'd, 1705.

An Act for the Regulation and Settlement of Ferries, and for Dispatch of publick Expresses. 318

An Act appointing a Treasurer. 322

An Act making the French *Refugees, inhabiting at the* Manakin Town, *and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of publick and County Levies, until the 25th Day of* December, 1708. 323

An Act confirming the Naturalization of Joshua Moulder, *and others.* ibid.

An Act for settling the dividing Lines between the Counties of Prince George, Surrey, *Isle of* Wight, *and* Nanzemond, *on the South-side* Black-water *Swamp.* ibid.

An Act for raising a publick Levy. ibid.

An Act appointing a Treasurer. 325 — 1710.

An Act for the further Restraint of Tipling-houses, and other disorderly Places. ibid.

An Act to enable Elizabeth Harrison, *Widow and Administratrix of* Benjamin Harrison, *late of the County of* Charles-City, *Gent. deceased, to sell certain Lands and Slaves, late the Estate of the said* Benjamin, *for Payment of the Debts of the said* Benjamin. 326

An Act to set free Will, *a Negro, belonging to* Robert Ruffin. ibid.

An Act for raising a publick Levy. ibid.

An Act to prevent the destroying and murdering of Bastard Children. ibid.

An Act for prevention of Abuses in Tobacco shipped on Freight. 327

An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs. 328

An Act prohibiting Seamen being harboured or entertained on Shore. 329

An Act for settling and ascertaining the current Rates of foreign Coins in this Dominion. 330

An Act for establishing County Courts, and for regulating and settling the Proceedings therein. 332

An Act for laying a Duty on Liquors and Slaves. 338

An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon. ibid.

An Act for reviving and continuing an Act for Security and Defence of the Country in times of Danger. 349

An Act for finishing a House for the Governor of this Colony and Dominion. ibid.

An Act to explain part of an Act of Assembly, Intituled, An Act for establishing the General Court, and for regulating and settling the Proceedings therein. ibid.

An Act for raising a publick Revenue for the better Support of the Government of her Majesty's Colony and Dominion of Virginia. 350

Pass'd, 1711. *An Act for building a Prison for Debtors to be committed by the General Court.* Pag. 351

An Act directing the Manner of granting Probates of Wills, and Administration of Intestates Estates. 353

An Act for appointing Rangers. 361

An Act to enable Francis Yeates, *of the County of* Richmond, *to convey certain Entailed Lands to* John Tayloe, *Gent. in lieu of other Lands and Negroes of greater Value, to be settled to the same Uses.* ibid.

An Act to enable John Custis, *and* Frances *his Wife, to sell a Mill, with certain Lands and Negroes, which are entailed on the said* Frances *by the last Will and Testament of* Daniel Parke, *Esq; deceased, for Payment of the Debts and Legacies of the said* Daniel. ibid.

1712. *An Act for continuing an Act, Intituled,* An Act for Security and Defence of the Country in times of Danger. 363

An Act to continue an Act, Intituled, An Act for appointing Rangers, and for increasing their Pay. ibid.

An Act to prevent Land lapsing from Infants, for not seating and planting, or not paying Quit-Rents, until Three Years after they come of Age. ibid.

An Act for continuing an Act, Intituled, An Act for laying a Duty on Liquors and Slaves, and for appropriating Money sufficient to furnish Nine hundred Yards of Duffels, and One thousand Pounds, for the Service and Relief of *North Carolina* out of the said Duty, and for appointing a Treasurer. 364

An Act for appointing Rolling-houses, and publick Landings, and ascertaining the Prices of Storage. 365

An Act to enable William Manley, *Gent. to sell and dispose of certain Entailed Lands and Tenements, lying in the County of* Westmorland, *on settling other Lands and Tenements, lying in the said County, of which he is seized in Fee, to the same Uses.* 367

An Act for raising a publick Levy. ibid.

1713. *An Act to enable* William Smith, *Gent. to sell and dispose of certain Entailed Lands and Tenements, lying in the County of* New-Kent, *on settling other Lands and Tenements, lying in* King William *County, of which he is seized in Fee, to the same Uses.* 369

An Act for raising a publick Levy. ibid.

An Act for dividing St. *Mary's Parish.* ibid.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed. ibid.

An Act for continuing an Act for appointing Rangers; and an Act to continue an Act for appointing Rangers, and for increasing their Pay; and also to impower the Lieutenant Governor to disband the Rangers, and to apply the pay appropriated for them to any other Use, which he shall think fit, for the better Security of the Frontiers. 371

An Act to impower John Holloway, *and* John Clayton, *Gentlemen, to receive of the Trustees for the City of* Williamsburgh, *and of all other Persons whatsoever, all Monies by them received for Lots of Land, and otherwise, for the Benefit of the said City; and the Sum of Two hundred and one Pounds, Nine*

Shillings, and Nine Pence, of Robert Carter, *Esq; and to apply ſuch Monies to certain Uſes; and alſo impowering them to keep the Accounts of the Governor's Houſe, and directing the finiſhing of the ſame.* Pag. 371 Paſs'd, 1713.

An Act to continue an Act, Intituled, An Act for Supply of certain Defects found in an Act preſcribing the Method for appointing Sheriffs. ibid.

An Act for reviving and continuing an Act, Intituled, An Act prohibiting Seamen being harboured or entertained on Shore. 372

An Act for continuing an Act, Intituled, An Act for the Regulation and Settlement of Ferries, and for Diſpatch of publick Expreſſes. ibid.

An Act for preventing Frauds in Tobacco Payments, and for the better improving the Staple of Tobacco. ibid.

An Act for regiſtring Births, Chriſtnings, and Burials. 373

An Act declaring what ſhall be accounted a ſufficient ſeating, planting, cultivating, and improving of Lands already granted, or hereafter to be taken up and patented. 375

An Act for the better Regulation of the Indian *Trade.* 379 1714.

An Act to exempt certain German *Proteſtants from the Payment of Levies for Seven Years, and for erecting the Pariſh of St.* George. ibid.

An Act for the Relief of Perſons, who, by reaſon of the Drought of laſt Summer, have made ſmall Quantities of Corn and Tobacco, and who, for want of Opportunity of Shipping, have great Quantities of old Tobacco now by them, and for puniſhing Perſons, who ſhall carry any Hogſheads of Tobacco, not ſtamped, out of this Colony. 380

An Act to prevent the malicious burning or deſtroying the publick Store-houſes of Tobacco Agents. ibid.

An Act to continue an Act, Intituled, An Act for preventing Frauds in Tobacco Payments, and for the better improving the Staple of Tobacco, and for ſupplying and remedying certain Defects and Inconveniencies in the ſaid Act. 381

An Act for continuing an Act, Intituled, An Act for Prevention of Abuſes in Tobacco ſhipped on Freight. ibid.

An Act to ſupply the Defects in an Act, Intituled, An Act for laying a Duty on Liquors and Slaves. ibid.

An Act for the further continuing an Act for laying a Duty on Liquors and Slaves, and Two other Acts relating to that Act. ibid.

An Act for erecting a Magazine. ibid.

An Act for regulating and ſettling the current Rates of Gold Coin, and of Britiſh *Silver Coin, in this Dominion.* 382

An Act to oblige Owners and Occupiers of Mills, to which publick Roads ſhall lead, to make the Dams of ſuch Mills Ten Foot wide at the Top. 384

An Act to repeal part of an Act, Intituled, An Act giving a Reward for killing of Wolves, *and for leſſening ſuch Reward.* 385

An Act for altering the Day for Princeſs Anne *County Court, and the Day for* Eſſex *County Court.* 386

An Act for raiſing a publick Levy. ibid.

An

Pass'd, 1714. *An Act to prevent Hogs rooting within the City of* Williamsburgh, *and certain adjacent Places.* Pag. 387

An Act to prevent Hogs going at large in the County of Middlesex. 388

An Act to prevent Hogs rooting within the Limits of York *Town.* ibid.

1715. *An Act for the Encouragement of such Persons as have gone, and shall go, voluntarily into the Service of* South Carolina. 391

An Act for raising a publick Levy. ibid.

An Act requiring the Vestry of the Parish of Henrico *to build a Chapel in the said Parish.* ibid.

THE

THE LAWS OF VIRGINIA.

At a Grand Assembly held at James-City, the Twenty third of March, 1662.

PREAMBLE.

WHEREAS the late unhappy Distractions caused frequent Change in the Government of this Country, and those produced so many Alterations in the Laws, that the People knew not well what to obey, nor the Judges what to punish; by which Means, Injustice was hardly to be avoided, and the just Freedom of the People, by the Uncertainty and Licentiousness of the Laws, hardly to be preserved: This Assembly taking the same into their serious Consideration, and gravely weighing the Obligations they are to discharge to God, the King, and the Country, have, by settling the Laws, diligently endeavoured to prevent like Inconveniencies, by causing the whole Body of the Laws to be Reviewed; all unnecessary Acts, and chiefly such as might keep in Memory our forced Deviation from His Majesty's Obedience, to be Repealed and Expunged; and those that are in Force, to be brought into One Volume: And, lest any Prejudice might arise by the Ignorance of the Times from whence those Acts were in Force, they have added the Dates of every Act, to the End that Courts might rightly administer Justice, and give Sentence, according to Law, for any thing happening at any time since any Law was in Force; and have also endeavoured, in all things, as near as the Capacity and Constitution of this Country would admit, to adhere to those Excellent and often Refined Laws of *England*,

to

to which we profess and acknowledge all Reverence and Obedience; and that the Laws, made by us, are intended by us but as brief Memorials of that, which the Capacity of our Courts is utterly unable to collect out of its vast Volumes, though sometimes perhaps, for the Difference of our and their Condition, varying in small things, but far from the Presumption of Contradicting any thing therein contained. And, because it is impossible to honour the King as we should, unless we serve and fear God as we ought; and that they might shew their equal Care, they here set down certain Rules to be observed in the Government of the Church, until God shall please to turn His Majesty's Pious Thoughts towards us, and provide a better Supply of Ministers among us.

Memorandum, *The Acts here referr'd to, include* N°CXXXVIII.

Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, That all the following Laws, continued or made by this Assembly, shall be hereafter reputed the Laws of this Country, by which all Courts of Judicature are to proceed in giving of Sentence, and to which all Persons are strictly required to yield all due Obedience; and that all other Acts not in this Collection mentioned, be, to all Intents and Purposes, utterly Abrogated and Repealed, unless Suit be commenced for any thing done in the time when a Law, now Repealed, was in Force; in which Case, the producing that Law shall excuse any Person for doing any thing according to the Tenor thereof.

I.

Church to be built, or Chapel of Ease.

BE it Enacted, for the Advancement of God's Glory, and the more decent Celebration of his Divine Ordinances, There be a Church decently built, in each Parish of the Country, unless any Parish, as now settled, by reason of the Fewness or Poverty of the Inhabitants, be incapable of sustaining so great a Charge: In which Case, It is Enacted, That such Parishes shall be joyned to the next great Parish of the same County; and that a Chapel of Ease be built in such Places, at the particular Charge of that Place.

II.

Vestries appointed.

THAT for the making and proportioning the Levies and Assessments for Building and Repairing the Churches and Chapels, Provision for the Poor, Maintenance of the Minister, and such other necessary Uses, and for the more orderly managing all Parochial Affairs; Be it Enacted, That Twelve of the most able Men of each Parish be, by the major Part of the said Parish, chosen to be a Vestry, out of which Number, the Minister and Vestry to make Choice of Two Church-wardens yearly, as at, so in case of, the Death of any Vestry-man, or his Departure out of the Parish, that the said Minister and Vestry make choice of another to supply his room. And be it further Enacted, That none shall be admitted to be of the Vestry, that doth not take the Oaths of Allegiance and Supremacy to His Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of *England*.

III. *Glebes*

III.

Glebes to be laid out.

Repeal'd.

IV.

Ministers to be Inducted.

THAT for the Preservation of Purity and Unity of Doctrine and Discipline of the Church, and the right Administration of the Sacraments, no Minister be admitted to officiate in this Country, but such as shall produce to the Governor a Testimonial, that he hath received his Ordination from some Bishop in *England*, and shall then subscribe to be conformable to the Orders and Constitutions of the Church of *England*, and the Laws there established; upon which the Governor is hereby requested to induct the said Minister into any Parish, that shall make Presentation of him. And if any other Person, pretending himself a Minister, shall, contrary to this Act, presume to Teach or Preach, publickly or privately, the Governor and Council are hereby desired and impowered to suspend and silence the Person so offending, and, upon his obstinate Persistence, to compel him to depart the Country, with the first Convenience, as it hath been formerly provided by the 77th Act, made at *James-City* the Second of *March*, 1642.

V.

Ministers to provide Readers, 1661.

THAT every Parish, not having a Minister to officiate every *Sunday*, do make Choice of a grave and sober Person, of good Life and Conversation, to read Divine Service every intervening *Sunday* at the Parish-Church, when the Minister preacheth at any other Place.

VI.

Liturgy to be read.

THAT the Canons set down in the Liturgy of the Church of *England*, for Celebrating Divine Service, and Administration of the Sacraments, be duly observed and kept; and that the whole Liturgy, according to the said Injunctions, be, by the Minister or Reader, at Church and Chapel every *Sunday*, throughly read.

VII. Church-

VII.

Church-Catechism.

THAT neither Minister nor Reader teach any other Catechism than that by the Canons appointed and inserted in the Book of Common-Prayer; and that the Minister expound no other than that, that our Fundamentals, at least, may be well laid; and that no Reader, upon Presumption of his own Abilities, do attempt the Expounding that, or any other Catechism, or the Scriptures.

VIII.

Ministers to Preach Weekly.

THAT the Minister of every Parish preach constantly every *Sunday*, *viz.* one *Sunday* in a Month at each Chapel of Ease in his Parish, if there be any, and the other in his Parish-Church; and that twice a Year, at least, he administer the Sacrament of the Lord's Supper there.

IX.

Repeal'd.

Sundays *not to be Profaned.*

X.

The Thirtieth of January *to be kept a Fast.*

WHereas our late Surrender and Submission to that Execrable Power that so bloodily Massacred the late King *Charles* the First, of Ever-blessed Memory, hath made us, by acknowledging them, guilty of their Crimes: To shew our serious and hearty Repentance and Detestation of that Barbarous Act, Be it Enacted, That the Thirtieth of *January*, the Day the said King was Beheaded, be annually solemnized with Fasting and Prayers, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

XI.

The Twenty ninth of May *to be kept Holy.*

SINCE God of his Mercy hath been pleased to restore our late distracted Kingdoms to Peace and Unity, and His late distressed Majesty to the Throne of His Royal Ancestors; Be it Enacted, That, in Testimony of our Thankfulness and Joy, the Twenty ninth of *May*, the Day of His Majesty's Birth and Happy Restitution, be annually Celebrated as an Holy-day.

XII. *None*

XII.

None to be Married but by Ministers, nor by them but by Licence, or Publishing the Banns.

Repeal'd.

XIII.

Church-wardens to make Presentment.

Repeal'd.

XIV.

Burial of Servants, or others, privately, Prohibited.

WHereas the private Burial of Servants, and others, gives occasion of much Scandal against divers Persons, and sometimes not undeservedly, of being guilty of their Deaths; from which, if the Persons suspected be innocent, there can be no Vindication, nor if guilty, no Punishment, by reason they are, for the most part, Buried without the Knowledge or View of any others than such of the Family, as by Nearness of Relation, as being Husband, Wife, or Child, are unwilling, or as Servants, are fearful, to make Discovery, if Murder were committed: For Remedy whereof, as also for taking away that Barbarous Custom of exposing the Corps of the Dead (by making their Graves in common and unfenced Places) to the Prey of Hogs, and other Vermine; Be it Enacted, That there be, in every Parish, Three or Four, or more, Places appointed, according to the Greatness or Littleness of the same, to be set apart and fenced in, for Places of publick Burial, for that Precinct: And further, that before the Corps be Buried, there be, at least, Three or Four of the Neighbours called, who may, in case of Suspicion, view the Corps; and if none, yet, according to the decent Custom of all *Christendom*, they may accompany it to the Grave. And be it further Enacted, That no Persons, whether free or Servants, shall be Buried in any other Place than those so appointed; unless such who, by their own Appointment in their Life-time, have signified their Desire of being Interr'd in any particular Place elsewhere.

XV.

Church-wardens to keep the Church in Repair, and provide Ornaments.

AND it is further Enacted, That the said Church-wardens take Care, and be impowered, during their Church-wardenships, to keep the Church in Repair, provide Books and decent Ornaments, (*viz.*) a great Bible, Two Common-Prayer Books, a Communion-Cloth and Napkins, a Pulpit and Cushion, this present Year; and after annually something towards Communion Plate, Pulpit-Cloth, and Bell, as the Ability of the Parish will permit: And that

that they the ſaid Church-wardens do faithfully collect the Miniſter's Dues, cauſe them to be brought to convenient Places, and honeſtly pay them; and that of all their Disburſements, and Receipts, they give a true Account to the Veſtry, when by them required, who are impowered, by a former Branch of this Act, to levy the ſame upon the Pariſh; and by this, to give the ſaid Church-wardens a ſufficient Diſcharge.

XVI.

Regiſters to be kept by the Miniſters or Readers.

WHereas many Differences do frequently ariſe about the Age of Orphans, and Enquiries are often made for Perſons imported into this Country, and here deceaſed, and no poſitive Certificates can be granted of the Age of one, or Death of the other, by reaſon no Regiſters have been kept, which might, by the Record there entred, evidence the ſame: Be it therefore Enacted, That the Miniſter or Reader of every Pariſh ſhall well, truly, and plainly, record all Births, Burials, or Marriages, that ſhall happen within the Precincts of that Pariſh, in a Book to be provided by the Veſtry for that Purpoſe. And if any Maſter of a Family, or other Perſon concerned, ſhall omit the giving Notice to the ſaid Miniſter or Reader, of the Day of the Birth, Death, or Marriage, of any to him or them related, the Space of a Month, ſuch Perſon, for ſuch his Neglect, be fined One hundred Pounds of Tobacco: And that the Miniſter have, for their Entry of ſuch Birth, Death, or Marriage, Three Pounds of Tobacco; and if they neglect Entring the ſame, as aforeſaid, that they be fined, upon Diſcovery made of the ſaid Neglect, Five hundred Pounds of Tobacco to the Uſe of the Pariſh.

XVII.

Licences for Marriage how to iſſue.

AND whereas many times Licences are granted, and the Perſons are Maried out of the Pariſhes, which Licences have been uſually granted by the Governor, whoſe Knowledge of Perſons cannot poſſibly extend over the whole Country; Be it Enacted, That henceforward all Perſons, deſiring Licences for Marriage, ſhall firſt repair to the Clerk of the County Court, and there give Bond, with good Security, that there is no lawful Cauſe to obſtruct their ſaid Marriage; and that upon Receipt of ſuch Bond, the ſaid Clerk ſhall write the Licence, and certiſie to the firſt in Commiſſion for that County, or ſuch other, whom it ſhall pleaſe the Governor to depute, that he hath taken a Bond, as aforeſaid; who, by Virtue thereof, ſhall ſign the ſaid Licence, and direct the ſame to the Miniſter. And to the End that the legal Grant of the ſaid Licence may be made evident, and the Governor aſcertained of his juſt Dues, It is further Enacted, That the ſaid Clerk ſhall yearly, in *September* Court, return the Names of the Parties Married, and of the Security, to the Secretary's Office, there to be Recorded: And further, that he deliver an Account of the Fees due for the ſaid Licences to the Sheriff or Collector of the County, who is hereby required to collect the ſame, with the Levies, and to make Payment thereof

thereof to the Governor, and others, to whom they are due: And any Clerk making Default in any of the Premisses, to forfeit One thousand Pounds of Tobacco, to the Use of the Governor. The Fees for the Licences to be as followeth, (*viz.*) To the Governor, Two hundred Pounds of Tobacco, or Twenty Shillings Sterling; To the Clerk for writing the Bond, Licence, Certificate, and returning the same to the Office, Fifty Pounds of Tobacco; And to the Secretary for Recording the same in the Office, as aforesaid, Forty Pounds of Tobacco; And the Minister Marrying with a Licence, Two hundred Pounds of Tobacco, or Twenty Shillings Sterling; if by Banns, Fifty Pounds of Tobacco, or Five Shillings.

XVIII.

Provision for a College.

Obsolete.

XIX.

Courts.

Repeal'd.

XX.

Actions to be Proportioned.

BE it Enacted, That Warrants be issued by the Clerks of the General Courts, and the said Clerk so proportion the Number of his Actions, that there be for each Day Twenty, and that, until there be Twenty Actions entred for the first Day, no Warrant issue for the second; and then Twenty for the second, before any issue for the third; and so proportionably Twenty *per* Day, for so many Days as there are Actions to fill with that Number: It being unreasonable, that the Governor and Council should wait a Week for a stragling Business entred at a particular Man's Pleasure. And in case any Special Warrant issue, that, for the Extraordinariness of the Business, may require the Governor's own Signing, It is Enacted, That the Person first go to the Clerk, and there enter his Action, and the Day of the Return, before his Warrant shall be signed.

AND whereas some Scruples have arisen about the Time Warrants may be served, (*viz.*) Whether Ten Days before the Return, that is, the Day mentioned in the Writ to appear: It is hereby Declared, That Warrants may be served at any time, if there be Ten Days between the Serving and the Return, as aforesaid: And further, that it may be done in Court-time for the same Court, if there be Ten Days between the Serving.

Warrants may be served to the General Court at any time, if there be Ten Days between the Arrest and Return.

XXI. *Courts*

XXI.

Courts to sit from Eight to Eleven of the Clock in the Forenoon: From One to Three in the Afternoon.

BE it also further Enacted, That the Court shall each Day sit from Eight of the Clock till Eleven in the Forenoon, and from One to Three in the Afternoons: And for avoiding all Errors that may happen in the Draught for the Orders by the Clerk, either through his misapprehending the Sense of the Court, or the partial Information of any Person concerned, which he, being distracted with the Multiplicity of Business, may unwittingly assent to; that all Orders of the Day be by the Clerk drawn up against next Morning, and then read in open Court (in Presence of the Plaintiff and Defendant, if they will be present) when Rule will be given by the Court for Amendment of Errors, if any be, before they be entred upon Record; and the Plaintiff or Defendant, if they have any new Matter of Plea, shall then have Liberty to plead it in Arrest of Judgment: And the Orders thus publickly read and confirmed, shall be signed by the Secretary, which shall remain upon File in the Office, for the full Justification of the Clerk, who is to enter them in the Book of Records.

XXII.

The Plaintiff to file his Declaration Three Days before the Day of Hearing.

AND whereas the Clerk is enjoyned to enter Twenty Actions for each Day, and the Court to sit at certain Hours; so also, It is hereby Enacted, That the Plaintiff file his Declaration in the Office at least Three Days before the Day of Hearing; in which Time the Defendant may take a Copy thereof, the Original still remaining in the Office, and provide his Answer in Writing, ready to present to the Governor and Council at the Day of Hearing: And further, that if the Plaintiff fail, either in not appearing to prosecute, or in neglecting to file his Declaration, as is hereby enjoyned, he shall pay to the Defendant, if he liveth within Fifty Miles of *James-City*, One hundred and fifty Pounds of Tobacco for a Nonsuit; and if he dwell further off, then Three hundred and fifty Pounds of Tobacco, beside his Amerciament to the Publick. And if the Defendant make Default, the Judgment to pass against the Bail for the Thing sued for; or if no Bail be returned, then against the Sheriff, besides his Amerciament of One thousand Pounds of Tobacco, laid upon him by Act, for not making Returns. Provided, that the Bail and Sheriff have Respit of Execution until the next Court, when, if they bring in the Person of the Party, the Judgment of the first Court granted to be reversed; but the Amerciament awarded against the Sheriff to continue, and not to be remitted.

XXIII. *Adjourn-*

XXIII.

Adjournment to the Two last Days for Determination of References by Advisare Volumus, *or Actions entred in Court-time.*

AND whereas this Act enjoyns the Proportioning so many Actions to a Day, but gives Liberty to Arrest in Court-time to the last Days of the Court; And whereas some Cases of Difficulty may be presented, upon which the Court may desire to advise; Be it therefore Enacted, That assoon as the Court hath sat so many Days as are filled with Actions, it shall be Adjourned to the Two last Days of that Court; and whatever the Court hath referred by their *Advisare Volumus*, and all Actions entred in Court-time, as aforesaid, shall be then tried and determined.

XXIV.

Criminal Causes to be tried at the General Courts.

WHereas Men of the greatest Abilities, both for Judgmeut and Integrity, do usually meet at the General Courts, whither their Occasions do frequently call them; and because any thing, that concerneth Life or Limb, requires the ablest Juries to enquire of it: Be it Enacted, That all Criminal Causes, that concern either Life or Member, shall be tried at the General Courts, only the Fourth Day of the said Courts. And because the Laws of *England* do enjoyn Juries to be chosen out of the Neighbourhood where the Fact was committed, according to which the Remoteness of our Habitations doth not admit us so fully to practise, as we desire; yet, that we may come to them as near as possibly we may, and because it is very requisite, that Part of the Jury at least should come from thence, who, by reason of their nearer Acquaintance with the Business, may give Information of divers Circumstances to the rest of the Jury: Be it therefore Enacted, That immediately after the Commitment of any Person found Criminal by the Grand Inquest, the Sheriff of the County, to whose Custody he is committed, shall give Notice thereof to the Secretary's Office at *James-City*, and the Clerk of that Office shall presently send a *Venire facias* to the said Sheriff, to impannel Six Men of the ablest and nearest of the Inhabitants of his County, to that Place where the Fact was committed, to be of the Jury for Trial of that Cause Returnable the said Fourth Day of the next General Court, where the said Jury-men are bound to appear; and for their Charges the County shall allow to each Man Twenty Pounds of Tobacco *per* Day, for each Day they may be reasonably coming to, and returning from, *James-City*; and Fifty Pounds of Tobacco *per* Day during their Attendance there about it, (*viz.*) from the Day they are by the Writ to appear, until they be discharged, and that the rest of the Jury be made up of the By-standers.

XXV.

Repeal'd.

The Governor and Two of the Council to go the Circuit.

XXVI.

Repeal'd.

Appeals how to be made.

XXVII.

Repeal'd.

Amerciaments in the General Courts, Fifty Pounds of Tobacco per *Cause; in County Courts, Thirty* per *Cause.*

XXVIII.

Subpœna's *to be issued by the Clerk.*

BE it also Enacted, That the Clerk of the General Court shall issue *Subpœna's* from the Secretary's Office, for all Evidences required in the Trial of any Cause there depending, if the Witnesses required do not dwell beyond the Bay, or the North-side of *James-River*: And if they do, that then a *Dedimus Potestatem* shall issue for taking the Depositions in the County, or Counties, where the Witnesses do dwell. Provided always, That in Criminal Causes all Witnesses be bound over to give in their Evidences, *viva voce*, at the Trial in the General Court,

XXIX.

Dedimus Potestatem *how to issue.*

WHereas many Causes between Parties and Parties are lost for want of Evidence, who living so far remote cannot, but at a Charge and Expence far exceeding the Value of the Cause, be brought to give it, *viva voce*, at the General Court, or at the County Courts, if the Party dwell out of the County, or else a greater Mischief is introduced, by the partial and illegal Examination of Witnesses, in Presence of but One Party, before some One Commissioner, perhaps too favourably inclined to the Party in whose Behalf the Depositions are taken, besides the Trouble, Expence, and Hindrance of the Witnesses themselves, who many times are forced One hundred Miles from the Place of their Residence, for a small Allowance, to give Evidence in Trials of petty

petty and inconsiderable Values: For Remedy whereof, and that all Parties may, with more Convenience, less Trouble and Cost, have their Evidences impartially and legally taken; Be it Enacted and Confirmed, That if the Cause be to be tried at the General Court, the Governor, if in any County Court, any One of the Council, or the Judge of the Court, shall grant and sign a Writ of *Dedimus Potestatem*, for Examination of Witnesses, in the Counties where they dwell, directed to Three such Persons, as the Plaintiff and Defendant, if they both desire the Writ, shall by Consent make Choice of and nominate: But if it be the single Request of either Plaintiff or Defendant, then the Governor, Councillor, or Judge of the County Court, out of Court-time, shall nominate and appoint Three or more such indifferent Persons, to examine all such Witnesses, as by the Party desiring the Writ they shall be moved to summon before them. And to this End the Commissioners, thus made Choice of, or appointed to execute the Writ, or any Two of them, shall, by the said Writ, be impowered and required to appoint a Time and Place, when and where they will receive the Evidences, and to issue out *Subpœna's* for their Appearances accordingly: And if upon such Summons any of the Witnesses refuse or neglect to come and give in their Evidences, then the Commissioners, or any Two of them, be further impowered, by this Act, to lay such a Fine upon them, as the Act of Assembly gives in such Cases, for Non-appearance of Witnesses at the General or County Courts. Provided always, That the Parties procuring the Writ, shall give the Party concerned against him, Notice of the Time and Place, when and where the Commissioners intend to sit, at least Ten Days before the Day appointed by the said Commissioners, for putting it into Execution. And be it further Enacted, That the said Commissioners, or any Two of them, which take the said Examinations, shall immediately subscribe them, seal them and the Writ up, and return them with the Writ so sealed up, to the Clerk of the General Court, if the Writ issue from the Governor, or else to the Clerk of the County Court, whence the Warrant issued, by either of the said Clerks, to be read at the time of the Trials of the Cause in either of the said Courts.

XXX.

Penalties for Non-appearance of Evidence.

BE it also Enacted, That the Penalties to be inserted in *Subpœna's* to the General Courts for Non-appearance of the Evidences summoned, be One thousand Pounds of Tobacco; and for like Default of the County Courts, Three hundred and fifty Pounds of Tobacco. This Clause Repeal'd, 1696.

AND that all Witnesses, summoned to give in their Evidences at either of the said Courts, shall be allowed, for their necessary Time spent in coming and going to and from the said Courts, Twenty Pounds of Tobacco *per* Day; and for the Time they attend there, until they have given in their Evidences, Forty Pounds of Tobacco *per* Day. This Clause Alter'd, 1674.

AND because many maliciously, to aggravate the Charge of the Suit, summon many more Witnesses than are needful; Be it therefore further Enacted, That there shall not be allowed in any Bill of Costs, the Charge of above Three Witnesses to any one Action, unless for Proof of several Matters incident thereunto, which severally may require the Attestation of Two Witnesses.

XXXI. County

XXXI.

County Courts appointed.

BE it also Enacted, for the more due Administration of Justice in the several Counties, and the greater Ease of the People in obtaining the same, the Courts be continued in each County, as of long Time hath been accustomed: And that the said Courts do consist of Eight of the most able, honest, and judicious Persons in the County; which Eight, or any Four of them (whereof One to be always of the *Quorum*) are to be impowered, by Commission from the Governor for the time being, to act according to the Laws of *England*, and of this Country; and to impower them severally, and out of Court, to act and do all such Things, as by the Laws of *England* are to be done by Justices of Peace there. And be it further Enacted, That these Persons, thus commissionated, take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace; That they be called Justices of Peace; That the Courts be stiled County Courts; and further, That the Justices do keep the said Courts precisely upon the Days appointed by this and former Acts of Assembly, (*viz.*)

Henrico, the 1st Day.	*Northampton*, the 28th Day.
Charles-City, the 3 Day.	*New-Kent*, the 28 Day.
James-City, the 6 Day.	*Gloucester*, the 16 Day.
Isle of Wight, the 9 Day.	*Lancaster*, the ———
Nanzemond, the 12 Day.	*Rappahanocke*, the ———
Lower-Norfolk, the 15 Day.	*Surrey*, the ———
Elizabeth-City, the 18 Day.	*Northumberland*, the ———
Warwick County, the 21 Day.	*Westmorland*, the ———
York-County, the 24 Day.	

And all Adjournments by all Means possible be avoided: And that all the Justices of the said Courts respectively, shall duly attend the same, and shall not depart or absent themselves from thence without the Licence and Consent of the rest of the Justices there present. And if any of them shall happen to have a lawful Cause of Absence, it is thought fit, that in such Cases they shall, upon the first Day of the Court, signifie the same to the Court by Writing; and that they make good Proof of the Truth thereof at the next ensuing Court, or else, being Delinquent in the Premisses, every Justice so offending shall forfeit, for every time of his Absence, Three hundred Pounds of Tobacco, to be imposed by the Court, and disposed of to the Good of the County.

XXXII.

No Arrest without Entry of Action.

BE it also Enacted, That all Actions to the County Courts, and *Subpœna's* for Witnesses, or in Chancery, be first entred with the Clerk of the County, or his known Deputy, before any Arrest made, or Summons served, under Penalty of Five hundred Pounds of Tobacco, to be levied upon the Sheriff that shall presume to serve any Process, contrary to the Tenor hereof. And be it Enacted, That the Plaintiff in any Action shall, at least the Day before the Court, enter his Bill of Complaint, and leave it in the Clerk's Hands, that the Defendant, if he will, may have a Copy thereof, and accordingly provide his Answer; but the Original Declaration or Bill to be always filed in the Office.

XXXIII. The

XXXIII.

The Defendant to put in his Answer.

AND be it further Enacted, That for the better regulating and keeping the Records, and transferring the Precedents to Posterity; as also for Prevention of new Suits, upon Mistake of the Grounds of Orders, that as the Plaintiff, both in General Courts and County Courts, files his Declaration, so the Defendant, in both those Courts, shall also put in his Answer in Writing; and that the Judgment, if for the Plaintiff, be endorsed on the Declaration; if for the Defendant, on the Answer: And further, That all Evidences concerning that Cause, be filed together with them, and by the Clerk carefully preserved.

XXXIV.

Form of Entring the Court.

BE it also Enacted, That the Form for Entring the Stile of the Court, Proclamation for Silence, the Cryer's calling the Plaintiff, and the Defendant to answer, be observed in the County Courts, as well as in the General Courts, varying only in the Title of the Court and the Assessors.

XXXV.

Court not to take Cognizance of any thing, under Two hundred Pounds of Tobacco.

AND be it also Enacted, That the Court shall not take Cognizance of any Cause, under the Value of Two hundred Pounds of Tobacco, or Twenty Shillings Sterling; which a private Justice may, and is hereby authorized and impowered to hear and determine. And whereas many vexatious Persons do very much trouble the Courts, and their Neighbours, for babling Words, sometimes passionately, but not maliciously, spoken; Be it therefore Enacted, That no Action be admitted for Defamation in any Court, where the Words are not Actionable: And further, that there be no Words Actionable, but such as, if true, might have brought the Person to suffer Punishment by Law; any other to be cast out of the Court, and the Plaintiff to be Nonsuited; not that Liberty is hereby given, or intended, to any scurrilous Person to abuse others at his Pleasure, but that His Majesty's Courts be not, for such Brawls, forced to wave Matters of greater Consequence; and because Offences of this Nature may be determined by a particular Justice, who is hereby impowered to bind the Persons so offending to the good Behaviour; or, if they find not good Security for the same, to commit them to Prison till they find it.

Action of Defamation.

XXXVI.

Private Courts prohibited.

WHereas many Things are acted, and Administrations granted, at Private Courts, which tend to the apparent Damage of divers of the Inhabitants of this Country; Be it therefore Enacted, That no Private Courts be kept, but that all Business, triable or grantable by or at the County Courts, be tried and granted in open Court at the Times and Places by Law appointed. Provided always, That it shall and may be lawful, for the Dispatch of Merchants, and other Sea Affairs, which cannot, without much Prejudice and Detriment to the said Merchants, or Masters, be deferred till the Courts in course should come; It is Enacted, That it shall be lawful for any Justice of the *Quorum*, by his Warrant directed to the Sheriff, to call a particular Court, and to summon any Person or Persons before them.

XXXVII.

Trials by Juries.

WHereas the Seventieth Act, made in 1642, and continued by the Ninety first Act, 1657, seems to restrain both Plaintiff and Defendant from Trial by Juries, unless the Plaintiff in his Declaration, or the Defendant upon Entry of his Appearance, do desire the same; which Restriction is quite contrary to the Law of *England*, by which the Trial of all Matters of Fact is as appropriate and inherent in the Jury, as Matter of Law is in the Judges: For which Cause, and that we may in all our Trials come as near as may be to the Laws of *England*, by which we are to be governed, as our present Capacities will admit; Be it Enacted, That, every Morning the Court sits, whether the General or County Courts, the Sheriff of the County in which it sits, shall impannel a Jury to attend the Court that Day, to try such Causes, as the Court shall find proper to be referred to them; and that whenever a Jury is sent out, an Officer, sworn to that Purpose, shall keep them from Meat and Drink, until they have agreed on their Verdict.

XXXVIII.

Grand Juries to present Offenders.

WHereas the several Laws constituted and made for the Redress of several Misdemeanors and Offences, either through the Remisness of the County Courts, or the Justices that keep the same; or else through the Defect of the Laws, in not appointing some peculiar Officers to look narrowly after the Offenders, and to make Presentment thereof to the said Justices at their County Courts; by which Means the Laws themselves are slighted and contemned, and become wholly useless and ineffectual: Be it therefore Enacted and Confirmed,

firmed, That Juries of Inqueſt be impannelled and ſworn in every County, to enquire of the Breach of all Penal Laws in their ſeveral Counties; and that they make Preſentment thereof to the ſeveral County Courts twice Yearly, (*viz.*) in *April* Court, and *December* Court, when the Juſtices are to receive them, and find them, according to Law, and to take for Evidence the Preſentment of the Jury, if made upon the certain Knowledge of any of them; or otherwiſe, the Parties that inform the Jury to give their Evidence to the next Juſtice, in Preſence of the Party preſented; which Depoſition, being produced by the Jury, with their Preſentment, ſhall be ſufficient Ground for the Court to paſs Judgment againſt the Offenders.

XXXIX.

Pillories to be erected at each Court

WHereas many Offences are puniſhable, by the Laws of *England*, and of this Country, with Corporal Puniſhments, for Executing whereof no ſuch Proviſion hath been made, as the ſaid Laws require: Be it therefore Enacted, That in every County the Court cauſe to be ſet up a Pillory, a Pair of Stocks, a Whipping-Poſt near the Court-Houſe, and a Ducking-Stool in ſuch Place, as they ſhall think convenient, that ſuch Offenders, as by the Laws are to ſuffer by any of them, may be puniſhed according to their Demerits: And the Court, not cauſing the ſaid Pillory, Whipping-Poſt, Stocks, and Ducking-Stool, to be erected within Six Months after the Date of this Act, ſhall be fined Five thouſand Pounds of Tobacco, to the Uſe of the Publick.

XL.

Fines to be diſpoſed of by the Aſſembly. Obſolete.

XLI.

Superſedeas, *by whom and how grantable.*

WHereas the Writ of *Superſedeas* hath of late been too frequently granted upon ſlight Pretences of Error in the Court, thereby not only injuriouſly delaying Juſtice, and keeping Men from their juſt Dues, but alſo bringing Calumnies and Aſperſions upon the Courts themſelves: Be it therefore Enacted, That no *Superſedeas* whatſoever ſhall hereafter be granted, but by the Governor and Two of the Council; nor by them, unleſs the Party deſiring it make it probably appear to them, that there is Error in the Judgment, and ſhall then alſo give good Security to make good his Plea, and, if he be caſt at the next General Court, to pay the Principal, with Five and twenty *per Cent.* Damages, beſides Coſts.

XLII. *Priſons*

XLII.

Repeal'd in 1684.

Prisons to be built in each County.

XLIII.

Ditto.

Dwellers within the Rules of any Prison not to have any Benefit thereof.

XLIV.

Sheriff to be chosen in the Commission.

FOrasmuch as the Commissioners of County Courts are, by the Laws of this Country, answerable for the Levies and Estreatments of each County, of which the Sheriff is usually the Collector: Be it therefore Enacted, That none but One of the Commissioners of each County shall be Sheriff for that County; and further, that the Commissioners shall exercise the Office of Sheriff successively, as they hold their Places in Commission, every One a whole Year, and no longer: Provided, That every such Commissioner, before he be admitted to take his Oath, give in good Security for the due Execution of his Office and Performance of the Trust committed to him, and then his Oath be administred unto him. And be it further Enacted, That no Under-Sheriff shall execute the Office of Under-Sheriff in the same County above One Year: Provided always, That the Sheriffs of *James-City*, who are more immediate Officers than any other to the General Courts and the Publick, shall be left to the Governor's free Choice: And further, That if the Governor see Cause for the better promoting any of His Majesty's especial Services, it shall be left to his Discretion to pass by any Person in any other Commission, and to give the Place to those in the Commission he shall think most meet, to supply the Exigence of the present Occasions. But because the Laws, as well of *England* as of this Country, prohibit the executing the Office of Sheriff by any Person Two Years together, the Governor is earnestly desired by the Assembly, in any of his Elections, not to infringe those Laws.

XLV.

Sheriffs not making Return.

WHereas the Sheriffs, often through Neglect, often for Favour to the Debtors, omit the serving the Process to them directed, and making Returns thereof according to Law, by Means whereof the Courts are prolonged, Justice is delayed, and the Parties, by their Attendance and Expences, very much endamaged: Be it therefore Enacted, That every Sheriff, failing to make sufficient

sufficient Return (that is, that the Writ is executed, and the Name of the Bail taken, of any Warrant to him directed Three Days at least before the Day of the Return of the Writ in the General Court, and Two Days before the County Courts) shall be amerced One thousand Pounds of Tobacco; one Half to the Plaintiff, if he sue for it, and the other Half to the County; Provided, That the said Plaintiff prove the Delivery of the Warrant to the Sheriff.

XLVI.

Sheriffs to take Bail.

BE it also Enacted, That the Sheriffs shall take sufficient Bail of all Persons Arrested, and perform the Award of the Court; and if the Sheriffs shall neglect to take sufficient Bail of the Party Arrested, or otherwise consent to be the Cause of his Escape, then the said Sheriff shall be liable to pay the Award of the Court himself, and shall also pay, in case the Consent to the Escape be proved, One thousand Pounds of Tobacco, one Half to the Publick, the other Half to the Party grieved, for his Delay in recovering the Debt; but if Bail be taken, and the Party appear not to answer the Suit, then Judgment shall be awarded against the Bail: Always Provided, That the Sheriff or Bail shall, if they desire it, have an Attachment against the Estate of the Party Arrested, and not appearing: And further, That if the Sheriff or Bail shall not, the next Court after that to which the Arrest was made, bring forth the Body of the Party so Arrested to answer the Suit, then the Sheriff or Bail shall be acquitted for the Judgment passed against them.

XLVII.

Non est inventus.

BE it also Enacted, That if any Sheriff shall return a *Non est inventus*, upon which an Attachment by a former Act hath been usually granted, when perhaps neither the Sheriff, nor his Officer, have been at the Houses of the Defendants, to the great Damage and Disparagement of the said Defendant, by having his Goods Attached: Be it therefore Enacted, That henceforth the Sheriff, or his Officer, shall declare, upon One of their Oaths, that he hath been at the House of the Defendant, and hath there left a Copy of his Writ, before his Return of *Non est inventus* be admitted; and if he shall refuse to make such Oath, then Order to pass against him, according to the Act for Non-returns; but if the Return be proved, and allowed in Court, then, after thrice Summoning the Defendant, by Proclamation in Court, an Attachment shall issue against his Estate, returnable the Court following, where, if the Defendant appear not to replevin the Attachment, Judgment shall be granted to the Plaintiff for his Debt, being made evidently appear to the Court, that it is justly due to him.

XLVIII.

Appraisement of Goods.

BE it Enacted, for the equal Appraisement of Goods seized by Execution, That the Plaintiff and Defendant shall each of them chuse Two indifferent Men for that Purpose; and in case of Disagreement, the said Four, or any Three of them, shall chuse an Umpire, which Umpire so chosen, shall by the next Commissioner be sworn to appraise such Goods indifferently, and this Umpirage to be final. And be it further Enacted, That if Plaintiff or Defendant shall neglect to appoint Appraisers within Three Days after Execution is served, Notice being given them by the Sheriff, to whom the Execution was directed, that then the Sheriff, in such case of Neglect, shall chuse and appoint Appraisers, either for the Plaintiff or Defendant, for Appraising the Goods by him seized upon Execution, as aforesaid. And be it further Enacted, That before such Appraisement the Sheriff shall not remove the Goods out of the Possession of the Plaintiff, and the Surplusage, if any, be returned to him, but after Appraisement made, as aforesaid, the Property to vest in the Sheriff, for the Use of the Creditor, to whom the Sheriff shall give Notice, that he may take them into his own Possession: And, because there can be no Averment against a Record, It is further Enacted, That the Sheriff make Return of the Execution to that Clerk of the County that granted it, by him to be entred upon Record, under the Order it was issued upon, that so the Satisfaction, as well as the Judgment, may be authentickly proved, if Occasion require.

This Clause Alter'd, 1663.

WHEREAS the Act for the Relief of poor Prisoners hath, contrary to the Intent thereof, been extended to Men of all Capacities, and by that Means an inconsiderable Part of their Estates, or at least unprofitable to him, whose Dependance is Tobacco, according to his Agreement, forced for Satisfaction: Be it therefore Enacted, That henceforth every Debtor, under Execution for Debt, shall be detained in Prison until he have paid the Debt in kind; but that real poor Men, laid under Execution for a Debt under One thousand Pounds of Tobacco, shall still have Liberty, by Part of their Estate, by some Justice of the County, indifferently assigned, and by Appraisers, summoned by the Sheriff, and sworn equally to appraise the said Estate, shall make Payment thereof to their Creditor, and redeem their Persons.

XLIX.

No Commissioner, Clerk, or Sheriff, to be Attorneys in the Court where they officiate.

BE it Enacted, That neither Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court within this Colony, shall be permitted to plead as an Attorney in any Person's Behalf in the Court wherein he officiates; and the said Commissioner, Sheriff, Under-Sheriff, or Clerk, offending herein, shall, for every Default, be fined One thousand Pounds of Tobacco, to the Use of the County. Provided always, That if any poor Person, not able to plead his own Cause, shall request the Court to assign him One of the Commissioners to plead for him, it shall be lawful for the Court to grant it, and for the Commissioner to plead accordingly; but the Counsellor, Commissioner, *&c.* so pleading the

poor

poor Man's Cause, not to give Judgment therein. Provided also, That any Commissioner, Sheriff, Under-Sheriff, or Clerk, acting as General Attorney for any Persons absent out of the Country or County, and negotiating their Affairs, and so liable to be sued for their Employers, such Persons, notwithstanding this Act, shall have Liberty also to plead and prosecute in any Cause, that shall any way concern their said Employers.

L.

Publication of Writs for Election of Burgesses.

WHereas frequent Complaints are made by the People, that they have no Notice of the Time appointed for the Election of Burgesses, and by that Means are deprived of giving their Voices in the Election of their own Representatives: Be it Enacted henceforward, That the Sheriffs of the respective Counties shall, upon the Receipt of the Writs, cause Copies thereof, with the Day appointed for the Election endorsed, to be sent to the Minister or Reader of every Parish in their County, who is to read the same to the People Two *Sundays* successively, both in the Church and Chapel of Ease to it belonging, to the End that no Person may pretend Ignorance, and return the same to the Sheriff, with his Attestation subscribed, that he hath published the same according to the Tenor of this Act; which Attestation shall be sufficient to discharge the Sheriff from Blame: But if the Sheriff neglect to send Copies, as aforesaid, then to be fined Two thousand Pounds of Tobacco, to the Use of the County. And every Freeman, after such Publication made, neglecting to come and give his Vote at the Day appointed for Election, shall be amerced Two hundred Pounds of Tobacco, to the Use of the County. And be it further Enacted, That if the Sheriff shall not, before the Day of the Return, make his due Return of the Writ, with the Names of the Burgesses endorsed, into the Secretary's Office at *James-City*, the said Sheriff so neglecting, shall be fined Two thousand Pounds of Tobacco to the Publick.

LI.

Publick Levies to be first paid.

BE it also Enacted, That no Sheriff shall, where he receives Tobacco of any Person indebted for his Levies, and also for Fees, and other Debts due to himself, or any other Officers, and not paying the whole in kind, by which Means, for Part thereof Distress must be made, shall presume to convert the Tobacco in kind to his own or any other's Use, and force the Country Creditor to accept of the Distress, or stay for his Debt; but that all Debts due to the Publick be first paid, and the Tobacco in kind paid to the Creditor of the Publick, whose Reputation is by these Evasions often vilified; and that the Sheriff, making Default herein, shall be fined Ten thousand Pounds of Tobacco, to the Use of the Publick, upon Proof thereof made in any Court of Record in this Country.

LII. *The*

LII.

The Sheriff, upon the Instance of the Treasurer, or his Deputy, to collect the Quit-Rents.

AND be it further Enacted, That the Sheriff, being His Majesty's immediate Officer, shall, upon the Instance of His Majesty's Treasurer, or his Deputy here, be compelled to receive all such Quit-Rents, as the said Treasurer, or his Deputy, shall give him Order to receive in his County; and that the said Quit-Rents be paid, as the Levies, in the direct *Specie* of Tobacco, or Money; and that no particular Fees or Debts be preferred before them, under like Penalty as for the Payment of other Debts before the Levies.

LIII.

List of Tithables, how to be taken.

WHereas the Fraud of Sheriffs, in bringing in the Lists of the Tithables, hath very much augmented the Taxes of the Country; Be it Enacted, That, for the better Discovery of the Number of Tithables, each County shall be divided into several Precincts, in each of which a Commissioner shall be by the Court appointed to take a List of the Tithables, to be brought or sent in under the Hand of the Master of every Family, of the Names and Number of Tithables he hath in his Family; and if he bring in a false List, the said Master shall pay Treble Duties for every Person so by him concealed. And be it further Enacted, That the said Commissioner give publick Notice in Writing, to be read and set up at the Door of the Church or Chapel of Ease of the Precincts he is to take Account of, and of the Day he will receive them: Provided the Day be before the Tenth of *June* at farthest; at which Time every Person neglecting to bring in his List, as aforesaid, shall be adjudged a Concealer, and pay accordingly; and every Commissioner, failing in giving Notice, neglecting to take the List, conniving at others Concealment, or not giving a true List of his own Tithables, shall also pay Treble Duties, as aforesaid. And be it further Enacted, That every Commissioner, in *August* Court following, shall deliver the Account, so taken by him, and the Subscriptions of the several Masters of Families, to the Clerk of the County Court, who shall return an exact List of the Families to the Clerk of the Assembly at the First or Second Day of every *September* General Court.

LIV.

What Persons are Titbable.

WHereas several Disputes have been made of what Persons were Tithable, It is hereby Enacted and Declared, That all Male Persons of what Age soever, imported into this Country, shall be brought into the Lists, and be liable to the Payment of all Taxes. And all Negroes, Male or Female, being imported, shall be accounted Tithable. And all *Indian* Servants, Male or Female,

Female, however procured, being adjudged Sixteen Years of Age, ſhall be likewiſe Tithable. From which none ſhall be exempted, but ſuch Chriſtians only, as are either Natives of this Country, or are imported free by their Parents, or others; who ſhall not be liable to the Payment of Levies, until they be Sixteen Years of Age; or ſuch others, as are by particular Acts of Aſſembly exempted.

LV.

Counſellors, and Ten Perſons, to be exempted out of the Levy.

Repeal'd, 167$\frac{6}{7}$.

LVI.

Artificers, not Planting Tobacco, freed from Payment of the Levy.

Repeal'd, 1673.

LVII.

Counſellors to raiſe a Levy.

Expired.

LVIII.

No Arreſts to be made on the Sabbath-days.

WHereas it hath been the frequent Practice of Sheriffs, and their Officers, for their own Eaſe and Benefit, to repair to the Churches, and other Places of publick Meetings, on Purpoſe to ſerve Warrants, and Executions, and other Writs, by which Means Men in danger of Arreſts have been deterr'd from the Service of God and the King: Be it Enacted, That no Sheriff, nor his Officer, ſhall from henceforth execute any Writ or Warrant upon any Perſon or Perſons, either upon the Sabbath-day, or upon the Day of Humiliation for the Death of the late King, (of Bleſſed Memory) or upon the Days appointed for Thankſgiving for His Majeſty's Happy Reſtauration, and for the Deliverances of this Country from the Two Bloody Maſſacres, nor at the Times of General Muſters, or Election of Burgeſſes. Provided always, That it ſhall and may be Lawful for the Sheriff, or any other Officer, to apprehend and carry to Priſon any Perſon or Perſons for Riots, Felony, or Suſpicion of Felony, or Eſcape out of Priſon, when under Execution, upon any Day, at any Place, any thing in this Act to the contrary notwithſtanding.

LIX.

Repeal'd, 1666.

Reward for Killing of Wolves.

LX.

Commissioners to take Security of Sheriffs.

BE it also Enacted, That the Commissioners of every County shall be answerable to the Publick for all Levies laid upon their County by Act of Assembly; and, for the Sheriff's Performance of his Place, and in Regard thereof, are hereby impowered, before the Admission of any Sheriff into his Office, to take such Security of him, as they shall think fit and sufficient to save themselves harmless, for the Receiving and Discharging all Publick Duties, whether Quit-Rents, Levies, or Officers Fees, committed to his Charge of Collection, and for the due Performance of his Office: Provided, That no Commissioner shall be liable, but such as were of the Commission when the Defect was made.

LXI.

Judgment before Commissioners.

BE it Enacted, That the voluntary Confession and Acknowledgment of a Debt by the Debtor, under his Hand and Seal, before Two Commissioners, of which One of the *Quorum*, shall be accounted in Law in the Nature of a Judgment, the said Commissioners attesting the same under their Hands, and so certifying it to the Clerk of the County Court, to enter it upon Record; upon which Writing, so acknowledged, attested, and recorded, Execution shall issue, in case the Debt be not paid, as if Judgment had been granted for the same in open Court. Provided, That if no Execution issue within a Year after such Acknowledgment, then a *Scire facias* shall issue before any Writ of Execution shall issue forth.

LXII.

Persons removing into the Bay.

FOR avoiding of Creditors Charges and Troubles in recovering their Debts, by reason of divers Persons removing themselves from the Places, where they contracted their Debts, into remote Counties: Be it Enacted, That no Person whatsoever shall remove out of the County where he dwells, unless he first set up his Name at the Door of the Parish-Church or Chapel where he dwells, Three *Sundays* together, and in the same express his Intent of leaving the County, and certifie the Place he is about to remove to, and take Certificate

cate thereof from the Minister or Reader of the said Church or Chapel, and the Church-wardens of the Parish, to the Clerk of the County Court, who shall thereupon grant him a Licence to depart. Provided always, That if the said Person, so removing, pay not his Debts, contracted before his removing, according to the Tenor of the Specialties, by which they are due, it shall be lawful for any of his Creditors, by a Warrant from the Secretary's Office, to bring the Debtor personally before the Governor, or any of the Council, for what Value soever the Debt be of, and there put in sufficient Security for Performance of his Obligation, according to the Tenor thereof, in case the Day of Payment be not past, (any Restriction in any other Act to the contrary notwithstanding) and then to take out Execution against his Body, or Estate, for Satisfaction of the said Debt.

And be it further Enacted, That if any Person or Persons shall, before or after Certificate obtained, as aforesaid, remove or transport any Cattle out of the County he dwelled in, without Notice given to Four of the nearest Inhabitants, (who are hereby required to take especial Notice of the Ear-Mark and Colour of the Cattle to be removed, and make a List of them and their Marks, and carry the same, subscribed by the said Viewers, to the Clerk of the County Court, to be Recorded) he shall, upon lawful Conviction, forfeit, for every Beast transported contrary to the Tenor of this Act, One thousand Pounds of Tobacco; one Half to the Publick, and the other Half to him that shall make the Complaint against the Party so offending. And if any Merchant, Mariner, or any other Person whatsoever, shall transport any Person or Persons out of his County without Certificate, as aforesaid, the said Merchant, Mariner, or other Person, so offending, shall be liable to the Payment of all the Debts and Engagements of the Party transported, being due at the time of his Removal.

LXIII.

English *Weights and Measures.*

WHereas daily Experience sheweth, that much Fraud and Deceit is practised in this Colony by false Weights and Measures; for Prevention thereof, Be it Enacted, That no Inhabitant or Trader hither, shall buy or sell, or otherwise make use of, in Trading, any other Weights or Measures than are used and made according to the Statute of in that Case provided. (*12 Hen. VII. Cap. 5.*) And for Discovery of Abuses, Be it further Enacted, That the Commissioners of every County do provide, at the Charge of the County, sealed Weights of Half-hundreds, Quarters, Half-quarters, Seven-pounds, Four-pounds, Two-pounds, One-pound; Measures of Ell and Yard; of Bushel, Half-bushel, Peck, and Gallon, of *Winchester* Measure; Gallon, Pottle, Quart, Pint, of Wine Measure, out of *England*; and that the said Weights and Measures be kept by the First of every Commission at his House, and with them a Burnt-Mark of and a Stamp for Leaden Weights, and Pewter Pots; whither all Persons, not using Weights or Measures, brought out of *England*, and sealed there, shall bring all their Barrels (which are to contain five Bushels) and other Measures, to be sealed, and their Stilliards to be tried; and all Persons, selling by other Weights or Measures, not sealed and tried, as aforesaid, shall forfeit One thousand Pounds of Tobacco; one Half to the Publick, the other Half to the Party that shall make his Complaint; and if the Commissioners shall make Default of producing such Weights, Measures, Scales, and Stamps, as by this Act they are enjoyned, by the First of *December*, 1663, the said Commissioners shall be fined Five thousand Pounds of Tobacco, to the Use of the Publick.

LXIV. *County*

LXIV.

County Courts to grant Probates and Administrations.

BE it Enacted, That the County Courts shall be impowered to grant Probates of Wills, and Administrations upon the Estates of Persons dying Inteſtate, to take Security, and receive the Inventories of the said Estates: Provided, That the Clerk of the County Court, when he sends or carries the said Probates, or Commissions of Administration, to be signed, do then also certifie into the Secretary's Office the Name of the Testator, or the Party deceased, the Executors or Administrators, and their Security, the County and Parish where they dwell, and the Court wherein the Administration is granted, to the End that Strangers and other Creditors invested in the Estate, may be the better enabled to find out the Records, in which the Account of the Estate is entred, and be informed how they may come to their just Dues.

LXV.

Administrations, to whom to be granted.

WHereas Commissions of Administration are suddenly obtained, and the Estate as suddenly disposed of, under the Pretence of greatest Creditor, or next of Kin, whereby oftentimes they that are really so, are the one defrauded of his just Debt, and the other debarred of his Right and Interest, before either can have Notice of the Party's Decease: Be it therefore Enacted, That no Administration be granted until Nine Months after the Party's Decease, except to the Widow or Child, and then to be immediately granted, the said Widow or Child bringing in sufficient Security for performing all things the Law requires, and saving the Court harmless. And be it further Enacted, That, in case the said Widow or Child do administer, the Estate shall be inventoried, and Appraisement made by Four Men, appointed by the Court, and sworn by a Justice of that Court, as formerly; which Inventory and Appraisement shall, by the said Widow or Child, be brought into the next Court held in that County; unless the Court, for Reasons shewed them, may think fit to grant Liberty to bring it in the Court following. But in case the Decedent die without Widow or Child, then it is Enacted, That the Estate, for the better Improvement thereof, be sold by the Court at an Outcry, and the Purchasers all putting in Security, and acknowledging Judgments for their Debts, which by the Court shall be assigned to the several Creditors of the Decedent, and paid according to the Priority in Law; and the Surplusage remaining (if any) to be delivered to the next Kinsman of the Decedent, if he appears; or if none prove himself such within Three Years, then the Court to give an Account of the said Surplusage to the Assembly, who are to dispose of the same to the Use of the County, allowing to the Court, or whom they intrust for the managing of it, for his reasonable Costs and Pains.

AND, when the Widow or Child administers, the Surplusage (after Debts paid, and the Funeral Charge, according to the Quality of the Person, allowed for) shall be equally divided between the Widow and Children, (*viz.*) One full Third of the Personal Estate to the Widow, and the other Two Thirds among the Children; if any of which die before it come to Age, his Proportion to be divided among the surviving Children.

AND

And whereas it hath been the frequent evil Practice of Administrators, assoon as they have obtained an Order to administer, to act as Administrators by Virtue of that Order, without giving Security, or taking out their Commissions, so that, the Estate being imbezelled away, no Account can be given thereof: Be it therefore Enacted, That whoever pretends to administer upon any Estate, shall bring to the Court sufficient Security before the Order shall be granted: And an Order thus obtained legally, by giving such Security to be truly accountable to bring in a true Inventory, and to perform such Things, as the Administrators by Law are enjoyned, shall not at any time after be reversed, unless the Party that obtained the same die before he hath given an Account of the Estate, and obtained his *Quietus*; in which Case the Court is impowered to grant the Administration of that Estate, so not accounted for, to some other Person, who may, by Virtue thereof, call his Heirs, Executors, or Administrators of the former Administrators to Account, who shall pay out of the said deceased Administrator's Estate, all such Debts, as shall be found due to the Estate he administred upon in the first place.

LXVI.

Concerning Orphans.

Concerning Orphans Estates, Be it Enacted, That all Wills and Testaments be firm and inviolable, unless the Executors, or Overseers, do refuse to execute the Trust reposed in them by the Testator; in which Case the Court may appoint others to act according to the Will; but if the said Will be so made, that no Person will undertake the managing of the Estate, or Education of the Orphans, according to the Tenor of it, then that the Estate, by the Appointment of the Court, shall be managed according to the Rules set down for the ordering the Estate of Persons Intestate, as followeth;

First, That no Account be allowed for Diet, Clothes, Physick, or else, against any Orphan's Estate, but they to be educated and provided for by the Interest of the Estate, and Increase of their Stock, according to the Proportion of their Estates, if it will bear it. But if the Estate be so mean and inconsiderable, that it will not extend to a free Education, then it is Enacted, That such Orphans shall be bound Apprentices to some Handicraft Trade, until One and twenty Years of Age, except some Kinsman or Relation will maintain them for the Interest of the small Estate they have, without Diminution of the Principal, which, whether great or small, always to be delivered to the Orphan at the Years appointed by Law.

That all Cattle, Horses, and Sheep, be returned in kind by the Guardian, according to Age and Number, when as he received them. And because several had, before the first making of this Act, Estates of Orphans in their Hands, which they kept for the Male Increase, and giving the Yearly Account of the Augmentation or Diminution of the Orphans Stock, which, by the Carelesness or Wickedness of the Guardians, was usually consumed before they came to Age, and Disputes thereupon arise in the several Courts, how such Persons should be proceeded with, and Accounts of Orphans Estates, how to be given them; It is hereby Declared, That all Persons, possessed of Orphans Stocks before the first making this Act, shall be bound to deliver to the Orphan, when he comes to Age, such and so many of any kind, as he was possessed of when he gave his Account to the next Orphan's Court succeeding the Publication thereof.

 That

THAT all Plate and Money be preserved and delivered in kind, according to the Weight and Quantity; that other Houshold-stuff and Lumber be appraised in Money, and the Value thereof paid by the Guardian to the Orphan, when he comes to Age, in the Country Commodities, at the Price Current, as it shall be worth at the Time in the Place where the Orphan's Estate is managed.

THAT the Court take able and sufficient Security for Orphans Estates, and enquire yearly of the Security; and, if the Court see Cause, to have it changed, and called in, and placed, as the Court shall think fit: The said Court to enquire also, whether Orphans be kept, maintained, and educated according to their Estates; and if they find any notorious Defect, to remove the Orphans to other Guardians: And also for those that are bound Apprentices, to change their Masters, if they use them rigorously, or neglect to teach them their Trades.

THAT no more be allowed to Guardians for collecting of Debts due to any Estate, than Ten in the Hundred, the usual Allowance of Merchants to their Factors and Attorneys.

THAT Thirty Pounds of Tobacco *per* Day be allowed to each Appraiser for Appraisment of any Estate (if they will take it) and no more.

THAT no Allowance be made by the Court, of excessive Funeral Expences, but that a Regulation thereof be made according to the Proportion of the Estate, and the Quality of the Person.

LXVII.

Orphans Land not to be alien'd.

BE it also Enacted, for the future Benefit of all Orphans, That the several County Courts do take into their serious Consideration and Care, that the Lands in their County, belonging to any Orphan, be not aliened, sold, or taken up, as deserted Land, by any Persons, during the Minority of the Orphan; and that the Guards or Overseers of any Orphan, do not let, set, or farm out any Land, belonging to any Orphan, for longer Term than until the Orphan be of Age; and that an especial Care be had, that the Tenant shall improve the Plantation, by planting an Orchard, and building a good House; and that the Tenant be bound to maintain a good Fence about the Orchard, and keep the House in sufficient Repair, and leave it Tenantable at his Surrender; and that Provision be made in the Lease for preventing all Waste of Timber, or employing it to any other Use, than the Use of the Plantation.

LXVIII.

Grants of Land.

BE it hereby Enacted, That any Person or Persons, claiming Land as due by Importation of Servants, shall first prove their Title or just Right before the Governor and Council, or produce Certificates from the County Courts, to the Secretary's Office, before any Survey be made, or Grant admitted; it being unreasonable, that others, furnished with Rights, should be debarred by Pretence of a Survey, which in itself is no Title.

LXIX. *Deserted*

LXIX.

Deserted Lands.

BE it also Enacted, That no Patent of Land shall hereafter pass upon Pretence that the Land is deserted for want of Planting within the Time of Three Years, unless Proof thereof be made before the Governor and Council, and an Order obtained from them for the Patenting thereof; neither shall the first Petitioner for any Deserted Land, be denied of having the first Grant, he making his Rights appear, when he petitions for the Land. And whereas the former Act concerning Deserted Lands, reserved, to the first Taker up, his Rights to take up Land in another Place; It is here Enacted, That in regard he hath had the Benefit of his Rights, held the Land in Possession, might make use of the Timber without Contradiction, and yet neither pays the King any Rents, nor suffers him to admit any new Tenant, that the Rights, as well as the Land, shall be forfeited, and the Grantee made incapable of using any of them afterwards: Provided, That any Person, having taken up Land, deserted before the making this Act in *November* 1652, shall not, by Virtue of this Act, be outed of Possession.

LXX.

Seating upon others Dividends.

WHereas divers Suits have arisen about Seating ignorantly upon other Mens Lands; for deciding the same, Be it Enacted, That if any Person whatsoever hath built or seated upon any Lands, supposed his own, but proving by a just Survey to belong to another, the Charge of such Building, Seating, or Clearing, shall, by Twelve Men upon their Oaths, be indifferently valued, and the Consideration by the said Twelve Men so adjudged, shall be paid by the Owner of the Land to the first Seater that was at the Charge: But if that shall amount to more than the said Owner is willing to disburse, then the said Twelve Men shall make a Valuation of what the Land was worth before the Seating thereof, which the Seater shall accordingly pay to the true Owner. Provided always, That no Consideration shall be allowed for Building or Clearing to any Person, that shall obstinately persist, after lawful Warning given him to desist.

LXXI.

Not to Shoot or Range upon other Mens Lands.

WHereas the Rights and Interests of the Inhabitants are very much infringed by the Hunting and Shooting of divers Men upon their Neighbours Dividends, contrary to the Privileges granted them by their Patents, whereby many Injuries do daily happen to the Owners of the said Land; Be it Enacted, That if any Planter, or other, shall hunt or shoot within the Limits of another's Dividend, without Leave first obtained from the Proprietor, he or they so offending

fending shall forfeit, for every such Trespass, Four hundred Pounds of Tobacco; one Half to the Owner of the Land, and the other Half to Publick Uses. Notwithstanding, it shall be lawful for any Person or Persons to hunt or shoot upon any Dividend of Land, not planted, or seated, though taken up, without Restraint or Penalty. Provided also, That it shall be lawful for any Person, that hath shot any Game without the Limits of another Man's Land, to pursue the same into any Man's Dividend, and freely to carry away the same; as also to seek or fetch his own Cattle or Hogs off of any Man's Land, first giving Notice, to the Owner of the Land, of his Intent, and of the Time he intends to stay upon it, to the End that the said Owner may, if he think fit, send One to see what Cattle or Hogs he drives away. Provided always, That it shall be lawful for the Governor to commissionate some Gentlemen to give Licence to Persons to hunt Wild Hogs upon any Man's Land without their Fenced Plantations.

LXXII.

Lands Five Years in Possession.

WHereas sundry Suits and Controversies have been, and daily do arise, about Claims and Titles to Lands, to the great Impoverishing of divers Persons: For Remedy whereof, and for the better establishing the Inhabitants in the Rights and Possessions hereafter, Be it Enacted, That all Persons whatsoever, that have or do pretend any Title to any Land, shall prosecute their Claims before the said Land hath been peaceably enjoyed Five Years, otherwise it shall be a good Plea in Bar for the Possessor of such Land claimed or possessed, to affirm, he hath had peaceable Possession, without Claim, by Commencement or Prosecution of Suit, full Five Years, Proof whereof shall be a sufficient Confirmation to the Possessor, and shall conclude the Claim and Title of the Pretender. And this Act to extend to all such as have not prosecuted their Title within Five Years, since the Sixth Day of *October*, 1646. Always provided, That the Limitation of Five Years, in this Act expressed, shall not bar Orphans, nor Widows under Covert, nor Persons out of the Country, nor Persons of unsound Mind: But that the said Orphans shall have Five Years, after they be of Age; Women Five Years free from Coverture, (*viz.*) If she marry again before her Five Years are expired, and her Husband omit to make Claim, his Omission shall be a good Bar against him; but if the Woman survive, she shall have so long Time allowed her to claim in, as will make up the first Time of her Fredom Five Years: Persons of unsound Mind, Five Years after their Recovery from their Impotence; Persons out of the Country, Five Years after their Arrival in the Country: Provided, they come in within Two Years after the Title to the Land became due; in which Times, if they claim not, as aforesaid, to be utterly barred for ever. For otherwise the Expectation of Heirs, out of *England*, where there is none born here, must in a short Time leave the greatest Part of the Country unseated and unpeopled, no Man knowing how, or of whom, either to purchase or take Lease.

LXXIII. *Against*

LXXIII.

Againſt Fraudulent Conveyances.

BE it Enacted and Confirmed, That no Perſon or Perſons whatſoever ſhall paſs over by Conveyance, or otherwiſe, any Part of his Eſtate, whether Lands, Goods, or Cattle, whereby his Creditors, not having Notice thereof, might be defrauded of their juſt Debts; unleſs ſuch Conveyance, or other Deeds, be acknowledged before the Governor and Council at the General Court, or before the Juſtices at the County Courts, and there regiſtred in a Book for that Purpoſe, within Six Months after ſuch Alienation. And whoever ſhall make over or alienate any Part of his Eſtate, otherwiſe than is here expreſſed, the ſame ſhall not be accounted valid in Law; nor ſhall it bar any Creditor, by ſeizing the ſame by Law, for Satisfaction of the Debt, the Property of the Eſtate not being legally veſted in any but the firſt Vendor. And it is further Enacted, That any Conveyance made, and acknowledged, and recorded, ſhall not be held good in Law againſt any Creditors, or former Purchaſers, until Four Months after ſuch Acknowledgment made and recorded; in which Time the Creditors, or former Purchaſers, may ſhew for what Cauſe the ſaid Conveyance is to be accounted Fraudulent; but if none appear within the ſaid Four Months, after the firſt Acknowledgment in Court, then the Sale ſhall be for ever after good againſt all other Claimers or Pretenders whatſoever; unleſs ſuch, as pretend to overthrow the firſt Seller's Title, in whom only Five Years Poſſeſſion can bar. Provided, That this Act ſhall not extend to ſuch Perſons, who, for Satisfaction of juſt Debts, ſhall make a Bill of Sale of their Eſtates, or any Part thereof, and deliver it, *bona fide*, into the Poſſeſſion of the Creditor; but ſuch Act ſhall be good and valid, to all Intents and Purpoſes, this Act being made only to prevent Fraud and Deceit.

LXXIV.

Quit-Rents, how to be paid. Repeal'd.

LXXV.

Surveyors of Land.

BE it Enacted, That Surveyors of Land ſhall demand no more than Twenty Pounds of Tobacco for meaſuring One hundred Acres of Land, if the Parcel exceed Five hundred Acres; but if under, to be allowed One hundred Pounds of Tobacco; and for the ſame ſhall deliver an exact Plot of each Parcel ſurveyed and meaſured: And if any Surveyor, upon reaſonable Demand, ſhall refuſe to meaſure the Dividend for any Perſon whatſoever, for the Conſideration and Satisfaction aforeſaid, ſuch Surveyor ſhall be liable to the Cenſure of the Court, in that County where he liveth. And if any Surveyor ſhall be deſired to go further, from his Place of Reſidence, than he can return in One Day, ſuch Surveyor ſhall have the Allowance of Thirty Pounds of Tobacco *per* Day, for every Day's Abſence from his Dwelling; and if his Paſſage cannot be but by Water, then ſuch Perſons, as ſhall employ him, ſhall provide for his Tranſport out and home: Provided no Pay be received before the Plot delivered.

H LXXVI. *Land*

LXXVI.

Land to be plainly Marked and Bounded.

WHereas many contentious Suits do arise about Titles to Land, occasioned much through the fraudulent and under-hand Dealing of Surveyors, who frequently make Sales of the Surveys by them made in the Behalf of one Person to another, whereby oftentimes he, that had the first and justest Right, is unjustly deprived of his Due: For Prevention whereof for the future, Be it Enacted and Ordained, That no Surveyor of Land shall give a Plot of any Land, surveyed by him, unto any other Person whatsoever, until Six Months after such Plot is drawn, according to its Survey: And that all Land surveyed, shall be, at the Surveying thereof, plainly marked and bounded, for all Persons to take Notice of, that none may, by the Ignorance of the Bounds, intrench upon another's Right. And the Persons offending, either in giving out of Surveys, contrary to this Act, or not sufficiently marking his Bounds, to forfeit Five hundred Pounds of Tobacco for every Hundred Acres the Survey shall be given of, to the Use of the Country.

LXXVII.

What Fences shall be sufficient.

BE it also Enacted and Confirmed by this present Grand Assembly, That every Planter shall make a sufficient Fence about his cleared Ground, at the least Four Foot and an half high; which, if he shall be deficient in, what Trespass or Damage soever he shall receive or sustain by Hogs, Goats, or Cattle, shall be his own Loss and Detriment: And also, if it shall happen, that any Person shall hunt any of the said Horses, Mares, Hogs, Goats, or Cattle, that shall so offend, and do them Harm, he shall make Satisfaction for any of them, that shall be so hurt, to the Owners of them, to be recovered in any Court of Justice within the Colony. And it is further Enacted, That where any Horses, Mares, Cattle, or Hogs, shall endamage any Person for want of such Fence, as aforesaid, and the Party damnified do wilfully kill, or otherwise hurt, so as the Cattle, Hogs, Horses, or Mares, do die of such Hurt, whether by Dogs set upon them, or otherwise, in such case the Owner of the Ground shall not only be liable to satisfie the Value of such Horses, Mares, Hogs, or Cattle, but, by Virtue of this Act, be adjudged to satisfie Double the Value of such Horses, Mares, Hogs, or Cattle, so killed, to the Owners of them. And further, Be it Enacted, That where the Fence shall be adjudged sufficient, (*viz.*) Four Foot and a Half high, and close down to the Bottom, that in case any Damage or Trespass be then done or committed to any Person, having such Fences, by either Horses, Mares, Goats, or any other Cattle whatsoever, the Owners of such Horses, Mares, *&c.* shall be liable to make Satisfaction for their Trespass and Damage to the Person injured, in case the Fence be found, by Two honest Men, appointed by the next Commissioner, to be sufficient.

LXXVIII.

Bounds of Lands to be every Four Years renewed, by the View of Neighbourhood.

WHereas many contentious Suits are daily incited and stirred up about the Bounds of Lands, for which no Remedy hath yet been provided, the Fifty seventh Act prohibiting Resurveys not applying the expected Remedies; for if the Survey be just, yet Surveyors being for the most part careless of seeing the Trees marked, or the Owners never renewing them, in a short Time, the Chops being grown up, or the Trees fallen, the Bounds become as uncertain, as at first, and, upon a new Survey, the least Variation of a Compass alters the Situation of the whole Neighbourhood, and deprives many Persons of Houses, Orchards, and all to their infinite Loss and Trouble: For Prevention whereof, Be it Enacted, That, within Twelve Months after this Act, all the Inhabitants of every Neck and Tract of Land adjoyning, shall go in Procession, and see the marked Trees of every Man's Land in those Precincts to be renewed; and the same Course to be taken once in every Four Years, by which Means the Inconveniency of clandestine Surveys will be taken away, and the Bounds will be so generally known, and the Marks so fresh, that no Alteration can be made afterwards. And be it further Enacted, That the Bounds, by the Consent of the present Proprietors, being once thus settled, shall conclude the said Proprietors, and all others claiming from or under any of them, from any future Alterations of their Bounds, be there, within the said Bounds, more or less Lands than they pretend to. And if it shall happen any Difference to be at present, that cannot be by the Neighbours themselves decided, Be it further Enacted, That Two honest and able Surveyors shall, in Presence of the Neighbourhood, lay out the Land in Controversie, and the Bounds laid out to be the certain Bounds, and ever after to be renewed and continue so; (but the Person causing the Difference, to pay the Charge of the Survey.) It tending much more to the Preservation of Friendship among Neighbours, to have a present and final Decision of their Differences, while Men yet live that are acquainted with the first Surveys, and while Land is yet at a low Value, than it will be, when Time hath rased out all Knowledge to the Bounds, and added a great Value to the Land.

Be it Enacted further, That each County Court shall appoint and order the Vestries of each Parish, to divide the Parish into so many Precincts, as they shall think necessary, for the Neighbours to joyn in, and see each others Marks renewed, and to appoint certain Days, between *Easter* and *Whitsuntide*, to go the said Processions, and put this Act into effectual Execution. And in case the Court shall omit to make such Orders, and to send the same to the several Vestries of the Parishes in their Counties, they shall be fined Ten thousand Pounds of Tobacco: And the Vestries, failing to order the Precincts and the Persons to go together, shall be fined Twelve hundred Pounds of Tobacco: And the Person, failing to go upon the Day appointed, or to renew his Marks accordingly, shall, for his Neglect, be fined Three hundred and fifty Pounds of Tobacco. This Clause Repeal'd, 1691.

LXXIX. Sur-

LXXIX.

Surveyors for High-ways.

WHereas, through the frequent Alterations of the High-ways, by falling of Trees over them, and many times taking them into Fenced Plantations, to the great Hindrance of Travellers and Traders; Be it therefore Enacted, That the Justices do yearly, in *October* Court, appoint Surveyors of the High-ways, who shall first lay out the most convenient Ways to the Church, to the Court, to *James-Town*, and from County to County; and make the said Ways Forty Foot broad; and make Bridges where there is Occasion. And the Ways being thus laid out, and Bridges made, they shall cause the said Ways to be kept clear from Logs, and the Bridges in good Repair, that all His Majesty's Subjects may have free and safe Passage about their Occasions. And to effect the same, the Vestries of every Parish are, upon the Desire of the Surveyor, hereby enjoyned and impowered, to order the Parishioners, every one, according to the Number of Tithables he hath in his Family, to send Men, upon the Days by the Surveyors appointed, to help them in Clearing the Ways, and Making or Repairing the Bridges, according to the Intent and Purpose of this Act. And if any Court shall omit the appointing Surveyors, or they neglect the executing their Office, or the Vestry to order the Work, or any Person to send Help according to the said Vestry's Order, the said Court, Surveyor, Vestry, or Person, shall be amerced Five hundred Pounds of Tobacco, to the Use of the County. And if any Person shall, contrary to this Act, fall Trees upon the High-ways, and not clear the same, or inclose any Part of the said High-ways within any Fence, the Grand-Jury shall present the same as a Common Nusance, and the Inclosure shall be thrown open, and the Offender be fined One thousand Pounds of Tobacco, to the Use of the County. And if any Counties have Creek or Swamp, limiting the Bounds between the said Counties, It is Enacted, That both Counties, bounding upon such Passage, shall contribute to the making the Bridge, or making the Way over it.

LXXX.

Tobacco, when to be demanded.

WHereas many Creditors, for several By-respects, neglect the Demanding the Tobacco due to them in due Time, by that Means inforcing the Debtor to the Inconveniency of not disposing of his Tobacco, and yet not paying his Debts, to the great Damage and Prejudice of the said Debtor: Be it therefore Enacted, That every Person or Persons, not demanding his or their Debts between the Tenth of *October*, and the last of *January*, shall not sue or implead any Person or Persons indebted to him or them for present Payment; but it shall be lawful for any Person, owing Tobacco, to dispose of the same for his own Use, after the said last of *January*, if it have not been demanded, according to the Tenor of this Act; and no Execution to issue for a Tobacco Debt, but against the Person, who shall have Liberty to free himself, by putting in Security to pay the Debt the following Crop. Provided always, That it shall be lawful for the Creditor, to sue or implead his Debtor for Security for his Debt against the next Year; any thing in this Act to the contrary notwithstanding.

LXXXI.

Judgments and Specialties, how long Pleadable.

Repeal'd, 1696.

LXXXII.

Attorneys for Business out of England.

WHereas many Persons in this Country entertain, as Attorneys, many troublesome Businesses out of *England*, and other Places, where justly there is no Occasion for such Molestation; and yet the Parties molested are left destitute of Relief, by reason the said Disturbers have no Estate in this Country, to satisfie Damages they are condemned in: Be it therefore Enacted, That no Attorney, by any Power out of *England*, or elsewhere, shall sue or implead any Person of this Colony, without giving first good Security, that he, the said Attorney, shall pay all such Costs and Damages, as the Court shall award against him, where the Law shall find that he, the said Attorney, hath, by that Power, unjustly molested the Defendant.

LXXXIII.

Burgesses.

WHereas no Provision hath been made for the certain Conveyance of Publick Writs for the Election of Burgesses, whereby, the delivering the said Writs being retarded, the Sheriff hath no Time to give Notice to the People, according to Law, nor make a timely Return of the Writs, nor can the Burgesses appear at the Day: For Remedy whereof, Be it Enacted by this present Grand Assembly, That the Secretary provide for the timely Conveyance of the Writs into every County, to be delivered to the Sheriff thereof, and for his Pains be paid One Hogshead of Tobacco, weighing Three hundred and fifty Pounds, for every County; and in case any Neglect be proved against him, that he be fined, for such Neglect, at the Discretion of the Assembly: Always provided, he have the Writs signed Forty Days before the Day of the Return.

LXXXIV.

Burgesses ascertained.

WHereas the Charge of Assemblies is much augmented by the great Number of Burgesses unnecessarily chosen by several Parishes, Be it Enacted, That hereafter no County shall send above Two Burgesses, who shall be elected at those Places in each County, where the County Courts are usually kept. Provided always, That *James-City*, being the Metropolis of the Country, shall have the Privilege to elect a Burgess for themselves. And every County, that will lay out One hundred Acres of Land, and people it with One hundred Tithable Persons, that Place shall enjoy the like Privilege.

LXXXV.

Provided for, $167\frac{6}{7}$.

Burgesses Charges ascertained.

LXXXVI.

Burgesses to appear upon the Day.

WHereas many Inconveniencies happen by the not appearing of Burgesses upon the precise Day of the Return of the Writ, as leaving the Business of the greatest Importance, the prudent Choice of a Speaker, to a small Party that first appears; upon which divers Animosities may arise in some that dislike the Election, to the great Detriment of the Publick Affairs, which by this Means are retarded, and the Charges of those Counties, whose Burgesses first appeared, increased: Be it therefore Enacted, That what Burgess soever shall fail in making his Appearance, and attending the Assembly precisely upon the Day of the Return of the Writ, shall be fined, for every Day's Absence, Three hundred Pounds of Tobacco, to be disposed of by the Assembly, unless he be obstructed by some such Impediment, as the House shall judge might be a lawful and reasonable Cause to hinder his coming.

LXXXVII.

Burgesses not to be Arrested.

FOR the Dispatch and Reputation of the Publick Business, Be it Enacted, That none of the Burgesses of any Assembly, nor any of their Attendants, shall be Arrested, from the Time of their Election, until Ten Days after the Dissolution of the Assembly, wherein he serves as a Burgess. Provided, That if the Assembly be Adjourn'd for above a Month, the several Burgesses shall, Ten Days after that Session, be liable to Arrests, and other Processes; and if in the Interval of Sessions they be Arrested, and prosecuted to Execution, and that served, the Execution shall be suspended Ten Days before the next Session of that Assembly, and continue so until Ten Days after it, at which Time the Privilege of Burgess shall cease and determine.

LXXXVIII.

No Order to contradict an Act.

LXXXIX.

Assemblies to enquire after the Breach of Laws.

WHereas several Laws have been, by divers Assemblies, made for the Good of this Country; which, for want of due Observation, have not produced the desired Effect: And whereas it is by this Assembly Enacted, That the Grand Jury of Inquests should twice annually make Presentment of the Breach of all Penal Laws, and that the Assembly should dispose of the Fines, levied upon the several Offenders, for the Use of those Counties wherein they accrued due; Be it Enacted, That for the future, the first Day of every succeeding Assembly, shall be employed in receiving the said Presentments of the Grand Jury, and to enquire into the Remisness of Juries and Courts, and how the Laws have been put in Execution, and disposing the Fines, that by that Means the Laws may be restored to their due Vigour, and Offenders be deterred from Neglect or Contempt, when they shall find a severe Account of their Observation is so diligently enquired into.

XC.

Publick Letters, how to be Conveyed.

WHereas the Remoteness of divers Places in the Country from *James-City*, and the Necessity of Communicating divers Businesses to the utmost Limits of it, would, if Messengers were pressed purposely, put the Country to an Annual great Expence: For Prevention thereof, Be it Enacted, That all Letters, superscribed for the Use of His Majesty, or the Publick, shall be immediately conveyed from Plantation to Plantation, to the Place and Person they are directed to, under the Penalty of Three hundred and fifty Pounds of Tobacco to each Default; and if any Person be put thereby to any extraordinary Charge, the Court of each County is hereby authorized to judge thereof, and to levy Payment for the same; the Superscriptions being signed by the Governor, some One of the *Quorum*, or the Colonel, Lieutenant Colonel, or Major of a Regiment: And where any Person in the Family the said Letters come to, can write, such Person is required to endorse the Day and Hour he received them, that the Neglect or Contempt of any Person stopping them, may be the better known, and punished accordingly.

XCI.

Divulgers of False News.

WHereas many idle and busy-headed People do forge and divulge False Rumours and Reports, to the great Disturbance of the Peace of His Royal Majesty's Liege People in this Colony: Be it Enacted, That what Person or Persons soever shall forge or divulge any such False Reports, tending to the Trouble of the Country, he shall be, by the next Justice of Peace, sent for, and bound over to the next County Court; where, if he produce not his Author, he shall be fined Two thousand Pounds of Tobacco, or less, (if the Court think fit to lessen it) and besides, give Bond for his Behaviour, if it appear to the Court, that he did maliciously publish, or invent it.

XCII.

Repeal'd, 1692.

Chirurgeons Accounts regulated.

XCIII.

Chirurgeons Accounts Pleadable, after Decease of the Party.

WHereas, by Act of many Assemblies, no Accounts are Pleadable against dead Mens Estates, whereby many Scruples have been made about the Accounts of Physicians and Chirurgeons, who cannot, possibly, take Bill; Be it therefore Enacted, That Physicians and Chirurgeons Accounts shall be Pleadable and Recoverable, for Means administred, and Pains taken, in the time of Sickness, whereof the Party dies; and where the Patient recovers, Six Months after such Recovery, and no longer.

XCIV.

Discounts to be made in Courts.

BE it Enacted, for the avoiding many causless Suits in Law, That where any Suit shall be commenced in any Court for a Debt, that, if the Defendant have either Bill, Bond, or Account, of the Plaintiff's, wherein he proves the Plaintiff Debtor, such Debt of the Plaintiff shall be discounted out of the Debt he claims of the Defendant; and Judgment shall be given for no more than the Balance of the Debt will amount to; Consideration being always made of the Times their several Debts have been due, and accordingly Allowance made for the Time. And because it many times happens, that the Defendants, in such Cases, do procure Bill or Accounts of the Plaintiff's from other Men, which he perhaps can discount with those to whom he passed such Specialty or Account; It is therefore Enacted, That no Bill or Account, being Assigned over, shall, by the Assignee, be Pleadable against the Debtor in such Bill or Account, unless the Assignee can prove, that he gave the Debtor Notice before his Acceptance of the Assignment, and that the Debtor, at that Time, pretended to no Discount against it.

XCV. *Ac-*

XCV.

Accounts against Dead Mens Estates.

WHereas too sad Experience hath shewed, that Accounts against the Estates of Persons deceased, have often unjustly devoured the Estates, and brought the Wives and Children to Poverty and Ruin: And whereas, as well the Laws of *England*, as of this Country, permit not any thing to be Pleadable against any Person, that cannot wage his Law, which Executors and Administrators are utterly uncapable of; Be it therefore Enacted, That no Book Debts, or Accounts, shall be henceforth Pleadable against the Estate of any Person deceased, nor against any living, if the said Person shall, upon his Oath, deny the same to be due; unless they be such Accounts, as, by particular Acts of the Assembly, as Officer's Fees, Levies, and Chirurgeons Accounts, are Pleadable; neither shall any Man be put to his Oath upon an Ordinary-keeper's Account; but the said Ordinary-keeper shall take the Hand of any Person (calling for any Drink or Provision) to his Book, or else his Bill, or otherwise his Debt shall not be Pleadable.

XCVI.

Balancing Accounts of Deceased Persons.

AND whereas divers Men, being indebted to others upon Account, may be induced to deliver Goods to them, or their Assigns, in Balance, yet take no Receipt; which Account, upon the Death of either Party, may be brought by his Executors or Administrators, against the Survivor, of which he cannot, upon his Oath, deny the Receipt; yet that Account, though justly balanced before, is often recovered by this Act prohibiting Accounts against Dead Mens Estates, yet leaving Liberty to their Executors or Administrators to sue for an Account due to the Estate of the Person deceased: Be it therefore Enacted, That Accounts against a Dead Man's Estate, being sufficiently proved, shall be admitted in Discount of an Account due to such Dead Man's Estate; but if the Account brought against the Estate exceed that due to the Estate, the Survivor, for the Overplus, shall be dismissed without Day. Provided also, That where the Party charged as Debtor to any one, shall refuse upon his Oath to deny the Account brought against him (except an Ordinary-keeper's, which it is impossible to keep in Memory, or any Part thereof) the Court shall take the Account to be due, as by Confession, and shall give Judgment for so much thereof, as he shall not deny, as aforesaid.

XCVII.

Ordinary-keepers, how to sell.

WHereas continual Complaints are made of the Exaction of Ordinary-keepers, and others, in the Rate and Measures of Strong Drink, by them retailed and sold; Be it Enacted, That no Person, after the First of *March*, One thousand six hundred sixty and three, shall sell or vend by Retail any Wine, Beer, or other Strong Drink, of what Sort soever, by any Measures but *English* sealed Measures, of Pints, Quarts, Pottles, or Gallons; and that every One, that now doth, or hereafter shall, keep any Ordinary, shall, by the said First of *March*, One thousand six hundred sixty three, provide such Measures to sell by in his House; and, in case he fail, shall be put down from keeping any Ordinary, and fined Five thousand Pounds of Tobacco, to the Use of the Publick: Provided always, That it shall be lawful for them to sell *English* Strong-Waters, coming over in Cases, by the Bottle, in the same Bottles they bought them.

AND for preventing many Disorders and Riots in Ordinaries, and other Places, where Drink is retailed; Be it Enacted, That no Person or Persons whatsoever shall in their Houses retail any Drink, but such as shall obtain a Licence from the Commissioners of the County where he lives, signed by the First in Commission of that Court, by giving Bond, according to the Laws of *England*; and further obliging himself to sell at the Rates set by the Commissioners, and to pay annually to the Governor Three hundred and fifty Pounds of Tobacco, and Cask, for his Licence.

XCVIII.

Repeal'd, *1666.*

Servants, how long to serve.

XCIX.

Against Secret Marriage.

WHereas much Loss and Detriment doth arise to divers Masters of Families, by the Secret Marriage of Servants, the said Servants, through that Occasion, neglecting their Works, and often purloyning their Master's Goods and Provisions; Be it therefore Enacted, That no Minister either publish the Banns, or celebrate the Contract of Marriage between any Servants, unless he have from both their Masters a Certificate, that it is done with their Consent; and the Minister doing otherwise, shall be fined Ten thousand Pounds of Tobacco; and the said Servants, both Man and Woman, that shall by any indirect Means procure themselves to be married without Consent of his and her Master, shall, for such their Offence, each of them serve their respective Masters One whole Year after the Time of Service by Indenture is expired. And if any Person, being Free, shall clandestinely marry with a Servant, as aforesaid, he or she so marrying, shall pay, to the Master of the Servant, Fifteen hundred Pounds of Tobacco, or a Year's Service; and the Servant so being married, shall abide with his or her Master the Time by Indenture, or Custom, and a Year after, as aforesaid.

C. *Against*

C.

Against Fornication.

Repeal'd, 1696.

CI.

Hired Servants.

WHereas divers Persons, that, by Indenture, Custom, or After-Contracts, for Wages, being Servants to several Men, do many times run away to Plantations far remote, and there being unknown, procure Entertainment with others for Wages or Shares, to the great Damage, and sometimes utter Undoing of their true Masters, and also of those that ignorantly entertain them, by paying the Fine: For Prevention whereof for the future, and for the better Discovery of such Run-aways, Be it Enacted, That all Servants, at the Expiration of their Time, shall, with their Master, or a sufficient Testimonial from him, go to the Court in that County where he served, and there enter his Freedom, and take Certificate thereof from the Clerk of the said Court, which Certificate shall be sufficient Warrant for any Person to entertain him into his Service. And whoever, after his first Time by Indenture is expired, and Certificate thereof taken out, as aforesaid, shall again, upon any Terms, become Servant to another, the Master then hiring the said Servant, shall take his Certificate of Freedom, and keep it, until the Time contracted for be expired; and whoever shall entertain or harbour any Servant, or Hired Freeman, running away from his Master's Service, and not having a Certificate, as aforesaid, shall pay to the Master of the said Servant Thirty Pounds of Tobacco *per* Day and Night, for all the Time they shall harbour or entertain them: Provided, That if such Run-away Servant shall forge a Certificate, or steal the true One from the Master he is hired to, and by that Means procure himself Entertainment, the Person entertaining him shall be free from the Fine, but the Servant stealing or forging the Certificate, shall be punished for his Forgery, by standing in the Pillory Two Hours upon a Court-day; and if any Person, coming Free into the Country, shall, by any Contract, agree with one Person, and, before the Time agreed for be accomplished, shall depart to another, he shall first perform the Tenor of his Contract first made, and pay the apparent Damages, that shall arise by his Breach of Covenant, and shall, after that satisfied, be liable to the Payment of what Damages any other Contractor with him shall recover of him by Law. And in regard the Certificates of Freedoms may be worn out and lost, and by those Means new Ones be required: It is further Enacted, That every Clerk, upon such Pretence, granting a new Certificate, shall mention in that the Loss of the First, and that for that Cause the Second was issued.

CII. *Run-*

CII.

Run-aways.

WHereas there are divers loytering Run-aways in this Country, who very often abſent themſelves from their Maſters Service, and ſometimes in a long Time cannot be found, the Loſs of their Time, and the Charge of the ſeeking them, often exceeding the Value of their Labour: Be it therefore Enacted, That all Run-aways, that ſhall abſent themſelves from their ſaid Maſters Service, ſhall be liable to make Satisfaction by Service, after the Times by Cuſtom or Indenture are expired, (*viz.*) double their Time of Service ſo neglected: And if the Time of their Running away was in the Crop, and the Charge of recovering them extraordinary, the Court ſhall adjudge a longer Time of Service, proportionable to the Damage the Maſter ſhall make appear he hath ſuſtained. And, becauſe the adjudging the Time they ſhould ſerve, is often referred until the Time by Indenture is expired, when the Proof of what is due is very uncertain; Be it Enacted, That the Maſter of any Run-away, that intends to take the Benefit of this Act, ſhall, aſſoon as he hath recovered him, carry him to the next Commiſſioner, and there declare and prove the Time of his Abſence, and the Charge he hath been at in his Recovery; which Commiſſioner thereupon ſhall grant his Certificate, and the Court on that Certificate paſs Judgment, for the Time he ſhall ſerve for his Abſence.

AND in caſe any *Engliſh* Servant ſhall run away in Company of any Negroes, who are incapable of making Satisfaction by Addition of Time; It is Enacted, That the *Engliſh*, ſo running away in the Company with them, ſhall, at any Time of Service to their own Maſters expired, ſerve the Maſters of the ſaid Negroes for their Abſence, ſo long as they ſhould have done by this Act, if they had not been Slaves, every Chriſtian in Company ſerving his Proportion; and if the Negroes be loſt or die in ſuch Time of their being run away, the Chriſtian Servants in Company with them ſhall, by Proportion among them, either pay Four thouſand five hundred Pounds of Tobacco, and Cask, or Four Years Service, for every Negro ſo loſt or dead.

CIII.

Cruelty of Maſters prohibited.

WHereas the barbarous Uſage of ſome Servants, by cruel Maſters, brings ſo much Scandal and Infamy to the Country in general, that People, who whould willingly adventure themſelves hither, are, through Fear thereof, diverted, and by that Means the Supplies of particular Men, and the well Seating of His Majeſty's Country, very much obſtructed: Be it therefore Enacted, That every Maſter ſhall provide for his Servants competent Diet, Clothing, and Lodging, and that he ſhall not exceed the Bounds of Moderation in Correcting them beyond the Merit of their Offences; and that it ſhall be lawful for any Servants, giving Notice to their Maſters, (having juſt Cauſe of Complaint againſt them for harſh and bad Uſage, or elſe for want of Diet, or convenient Neceſſaries) to repair to the next Commiſſioner, to make his or their Complaint; and if the ſaid Commiſſioner ſhall find by juſt Proof, that the ſaid Servant's Cauſe of Complaint is juſt, the ſaid Commiſſioner is hereby required to give Order for the warning of ſuch Maſter to the next County Court, where the Matter in Difference ſhall be determined, and the Servant have Remedy for his Grievance.

CIV.

Against Unruly Servants.

WHereas the audacious Unrulineſs of many ſtubborn and incorrigible Servants, reſiſting their Maſters and Overſeers, hath brought many Miſchiefs and Loſſes to divers Inhabitants of this Country; Be it Enacted and Ordained, That the Servant, that ſhall lay violent Hands on his or her Maſter, Miſtreſs, or Overſeer, and be convicted thereof by Confeſſion or Evidence of his Fellow-Servant, or otherwiſe, before any Court in this Country, the ſame Court is hereby required and authorized to order ſuch Servant to ſerve his or her Maſter, or Miſtreſs, or their Aſſigns, One Year after his or her Time by Indenture or Cuſtom is expired. Be it Enacted, That no Perſon or Perſons whatſoever, for any Offence committed, ſhall be adjudged to ſerve the Country as Colony Servants.

CV.

Againſt Trading with Servants.

WHereas divers ill-diſpoſed Perſons do ſecretly and covertly truck and trade with other Mens Servants and Apprentices, who (to the great Injury of their Maſters) are thereby induced and encouraged to ſteal, purloyn, and imbezel their Maſter's Goods: Be it therefore Enacted, That what Perſon or Perſons ſoever ſhall buy, ſell, trade, or truck, with any Servant for any Commodity whatſoever, without Licence or Conſent of the ſaid Servant's Maſter, he or they, ſo offending againſt the Premiſſes, ſhall ſuffer One Month's Impriſonment, without Bail or Mainprize, give Bond, with Security, for his good Behaviour, and alſo ſhall forfeit to the Maſter of the ſaid Servant, Four times the Value of the Things ſo bought, ſold, trucked, or traded for.

CVI.

No Tobacco to be planted after the Tenth of July. Repeal'd, 1664.

CVII.

No Seconds or Slips.

AND be it further Enacted, That what Perſon or Perſons ſoever ſhall tend, or ſuffer, or cauſe to be tended, any ſecond Tops or Slips, ſhall forfeit Ten thouſand Pounds of Tobacco to the Publick.

Vide an Act, 1686.

Be it further Enacted, That what Person or Persons soever shall save, pack, or sell, or send away, any Ground-leaves, which are hereby required to be totally suppress'd, shall forfeit for every Hogshead, proved to have the Quantity of Five Pounds of Ground-leaf Tobacco in it, Five thousand Pounds of Tobacco, to the Use of the Publick. And it is further Enacted, That the Grand Jury shall take particular Care of the Observation of this Act, and shall make due Presentment to the County Courts of any such as shall plant or tend any Tobacco, contrary to the Tenor hereof.

CVIII.

Obsolete.

Improvement of Staple Commodities.

CIX.

Repeal'd, 1666.

Act for Mulberry-trees.

CX.

Ditto.

Encouragement to build Vessels.

CXI.

Expired.

Tan-houses to be erected.

CXII.

Two Acres of Corn for each Tithable.

Be it hereby Enacted, That all Persons within this Colony shall plant or tend, for every Tithable Person tending a Crop in their Family, Two Acres of Corn or Pulse, under the Penalty of Five hundred Pounds of Tobacco for every Acre neglected, as aforesaid, to be paid by the Delinquent, and to be levied by the Sheriff, for the County's Use; and the Grand Jury, in their several Limits, to look strictly after the Breach of this Act. And for Encouragement for Men to sow *English* Wheat, which may be a Staple Commodity to vent out of the Country, It is further Enacted, That the sowing of One Acre of Wheat shall excuse the planting of the Two Acres of *Indian* Corn, or other Corn or Pulse, as this Act enjoyns.

CXIII. *Stray*

CXIII.

Stray Horses, &c.

FOR Remedy of the great Abuse and Wrong done in taking up of Stray Horses, Cattle, and Boats lost, not only in concealing them, but in using and employing them, to the Hurt and Damage of the Owners; Be it Enacted by this present Grand Assembly, That every Person or Persons, that shall take up and keep any Stray Horses, Cattle, or Boats, shall cause the said Horses and Cattle, with the Mark, Stature, and Colour, and the said Boat, with her Proportion, and what was found in her, to be cried publickly in all the Churches and Chapels in the County, within One Month after the taking them up, and in the mean time securely to lay up the said Boat; and if no Owner appear, upon this publick Notice given, then to publish the same, and set it up in Writing at the next County Court, where, if no Owner appear, then it shall be lawful for him to make Use of the said Boat, until the Owner do appear, who shall allow him for his Pains One hundred Pounds of Tobacco.

CXIV.

Free Trade.

Repeal'd.

CXV.

Exportation of Hides.

Repeal'd, 1671.

CXVI.

Exportation of Money.

BE it hereby Enacted by this Grand Assembly, That no false Money shall pass for current in this Country; but Pieces of Eight, that are good and of Silver, shall pass for Five Shillings current Money, upon Penalty of Twenty Shillings, to be paid by the Refusers of them: And that none shall export Money out of this Country above the Sum of Forty Shillings; if any shall exceed the same Sum, to forfeit Double thereof.

CXVII. *Size*

CXVII.

Size of Virginia *Hogsheads.*

IT is Enacted, upon the Complaint of divers Masters and Merchants of Ships, against the Incertainty and extraordinary Size of Cask, which hath been very much prejudicial to them, That a certain Size of all Tobacco Cask of *Virginia* Hogsheads, shall be as followeth, (*viz.*) Forty three Inches in Length, and the Head twenty six Inches wide, with the Bouge proportionable; and whoever shall make Cask of a greater Size, shall pay, upon Proof made to any Court (if he be a Freeman, otherwise his Master or Mistress that employs him) Three thousand Pounds of Tobacco, the one Half to the Informer, the other Half to the County where the Cask is made; and if any Cask shall be made of Timber not seasoned, then such Cask to be burnt.

CXVIII.

Against private taking away Boats.

FOrasmuch as divers Persons suffer great Damage by private and concealed taking away of Boats and Canoes without Licence from the Owners thereof; It is Enacted and Confirmed by the Authority aforesaid, That the Commissioners of each County Court shall be hereby impowered (if required) to order and give Satisfaction, from the Party so trespassing, to those injured by want of his or their Boat, Boats, or Canoes, Five hundred Pounds of Tobacco Penalty to the Owner, and what Damage the Boat sustains.

CXIX.

Useless.

Against Shooting.

CXX.

Provided for, *V. infra.*

Supply of Ammunition.

CXXI.

Against Exacting Millers.

WHereas, by a second Act of a Grand Assembly, *Anno* 1645, it was Ordered and Established, for the reforming the great Abuse of Millers, in Exacting excessive and illegal Toll, That no Person or Persons, using or occupying any Mill, should take or receive, for the grinding of any Grain, or exchanging it for Meal, above the Sixth Part thereof for Toll; which Act hath not taken such Effect, as was intended thereby, in respect, as is conceived, neither Penalty was imposed thereon upon the Offender, nor the Execution thereof was given in Direction to any particular Officer: It is therefore thought fit to enlarge the said Act, and, by Virtue thereof, to require all Millers, or Owners of Mills, to provide, by the Five and twentieth Day of *June* next come Twelve Month, Stilliards, or Statute Weights and Scales, by which they are to receive in, and deliver out, all Grain; and that they do sufficiently grind and exchange the said Grain, so bought, upon the Penalty (in case they do exact beyond the said Proportion, for grinding or exchanging, or in case of Default of such Weights or Scales, or for not sufficiently grinding) of the Sum of One thousand Pounds of Tobacco; and that the Grand Jury enquire thereof.

CXXII.

Against Exportation of English *Goods.* Useless.

CXXIII.

No Mares or Sheep to be Transported. Repeal'd, 1668.

CXXIV.

Against Selling of Rum, but in Places appointed. Repeal'd, 1664.

CXXV.

Against Stealing of Hogs.

WHereas the Stealing and Killing of Hogs is a Crime usually committed, and seldom or never detected or prosecuted, in this Colony; Be it therefore Enacted, for the better Prevention thereof, That whosoever shall steal, or unlawfully kill, any Hog, which is not his own, and the said Fact being proved by sufficient Evidence, he or they so offending, shall pay to the Owner of the said Hog One thousand Pounds of Tobacco, and One thousand Pounds of Tobacco to the Informer; and in case of Inability to pay and satisfie the said

M Sums,

Sums, the Person so offending shall serve Two Years, (*viz.*) one Year to the right Owner of the said Hog, and the other to the Informer. And if any Person be found to bring home any Hog or Hogs, so killed, without their Ears, shall be adjudged a Hog-stealer, and to be proceeded against accordingly. And that such Persons, as shall receive such Hogs into their Houses, and not immediately discover the same to the next Commissioner, then such Receiver shall be proceeded against, as if he had been an Actor in the Trespass: And in case the Owner of the Hog inform, he to have both the Fines.

CXXVI.

Useless.

Masters of Ships to provide Four Months Provision.

CXXVII.

Concerning Passes.

BE it also Enacted and Confirmed, That no Master of any Ship, Vessel, Boat, or Bark, shall transport any Person or Persons out of this Colony, except the said Person or Persons produce a Pass under the Hand of the Secretary, or such whom he shall depute or appoint, upon the Penalty to pay all such Debts, as any such Person shall stand indebted to any Person within this Colony at his or their Departure, and pay a Thousand Pounds of Tobacco to the Secretary for his Contempt. And it is further Enacted, That, before any such Pass shall be signed to any Person, he or they shall bring a Certificate from the Monthly Court, where he or they reside, that he hath set up his Name upon a Court-Day, Ten Days at least before his Departure, at the County Court where he resides; or otherwise, shall put in sufficient Security for the Payment of all Debts, that are due or owing from them to any Person within the Country; or his Name be published, and set up at the Church-Door Two *Sundays* in each Parish in the County, where it is presumed all Persons will be; and the Reader's Testimonial to the Clerk shall be sufficient Warrant for him to grant a Certificate: And the Secretary and Security, after a Year and a Day, to be discharged.

CXXVIII.

Repeal'd, 1680.

Imposition of Two Shillings per *Hogshead.*

CXXIX.

Repeal'd, 1679.

Every Inhabitant in Northumberland *and* Westmorland *Counties, to give an Account how many Hogsheads of Tobacco they made, and to whom sold.*

CXXX. Pay-

CXXX.

Payment of Fort Duties in Accomake, &c. Repeal'd, 1680.

CXXXI.

Ten Shillings per *Hogshead.* Repeal'd, 1665.

CXXXII.

Castle Duties to be paid. Repeal'd, 1680.

CXXXIII.

Ships to come up to James-City. Repeal'd, 1668.

CXXXIV.

Privilege of Virginia *Owners.*

WHereas some Doubts have arisen about the Privilege of *Virginia* Owners, and their Exemption from the Payment of the Duties of Two, and Ten Shillings *per* Hogshead; Be it Enacted and Declared, That the said Privilege is granted only to the Owners and Adventurers in such Vessels, as solely and wholly belong to the Inhabitants of this Country; and not to such Persons, as are only Partners of Vessels, whose other Partners dwell in other Countries; and the Governor be Judge of such Proprieties, and certifie the same to the Collectors.

CXXXV.

A Publick Notary appointed. Obsolete.

CXXXVI.

Acts concerning the Indians.

WHereas the mutual Discontents, Complaints, Jealousies, and Fears, of *English* and *Indians*, proceed chiefly from the violent Intrusions of divers *English* made into their Lands, forcing the *Indians*, by way of Revenge, to kill the Cattle and Hogs of the *English*; and by that Means Injuries being done on both Sides, Reports and Rumours are spread of the Hostile Intentions of each to others, tending infinitely to the Disturbance of the Peace of His Majesty's Country: And whereas the Laws, prohibiting the Purchase of any *Indian*'s Lands, (unless acknowledged at General Courts or Assemblies, by reason it is as easie to affright them to a publick, as well as a private Acknowledgment) are made fruitless and ineffectual, corrupt Interpreters often adding to this Mischief, by rendring them willing to surrender, when indeed they intended to have received a Confirmation of their own Rights, and a Redress of their Wrongs; which Mischiefs, had they continued, must needs have involved the Country into an inevitable and destructive War: For Remedy of which Inconveniencies, and that for the future a sure equitable Peace may be established, the Governor, Council, and Burgesses, out of their tender Care of Justice, and the Peace of this His Majesty's Country, have Enacted, Ordained, and Confirmed, and do, by these Presents Enact, Ordain, and Confirm, That, for the future,

No *Indian* King, or other, shall, upon any Pretence, alien or sell; nor no *English*, for any Cause or Consideration whatsoever, purchase or buy any Tract or Parcel of Land, now justly claimed, or actually possessed, by any *Indian* or *Indians* whatsoever; all such Bargains and Sales hereafter made, or pretended to be made, being hereby declared to be invalid, void, and null; any Acknowledgment, Surrender, Law or Custom formerly used to the contrary notwithstanding. And further, That the *Indians* Properties in their Goods, be hereby assured and confirmed to them; and their Persons so secured, that whoever shall defraud, or take from them their Goods, or do Hurt or Injury to their Persons, shall make such Satisfaction, and suffer such Punishment, as the Laws of *England*, or this Country, do inflict, if the same had been done to an *Englishman*.

And be it further Enacted, That what *Englishman* hath already, contrary to the Laws formerly in Force, for Surrendring and Acknowledging *Indians* Lands, made Incroachments, or seated upon them, shall, if they make not good Proof of their Title, upon Complaint made, be, by Order directed to the Sheriff to execute, removed from their Seats of Land thus wrongfully incroached; and all Houses by them built upon the said Lands, be demolished and burned.

And be it further Enacted, That all *Englishmen*, having, by Surrenders made at Quarter Courts or Assemblies, procured a colourable Right to any Land by the said *English*, now seated within Three Miles of any *Indians*, for Prevention of the Injuries done to the *Indians* by the said *Englishmens* Hogs and Cattle, shall send such Number of Hands, as they shall be appointed by Commissioners, to be authorized by the Governor, to help the *Indians* to fence in a Corn-field, proportionable to the Number of Persons the said *Indian* Town doth consist of; and that, after such Fence once made sufficiently, according to Act of the Assembly, if the *Indians* keep it not in Repair, what Damages soever they shall afterwards sustain, shall be at the Hazard and sole Loss of them the said *Indians*.

And be it further Enacted, That for the better Relief of the Poor *Indians*, whom the Seating of the *English* hath forced from their wonted Conveniencies of Oystering, Fishing, and gathering Tuchahoe, Cortenions, and other Wild Fruits, by which they were wonted, for a great Part of the Year, to subsist; Be it therefore Enacted, Granted, and Confirmed, That the said *Indians*, upon Address made to Two of the Justices of that County, they desiring to oyster, or gather Wild Fruits in, as aforesaid, they the said Justices shall grant a Licence to the said *Indians*, to oyster, or gather Wild Fruits, as aforesaid: Provided the said Justices limit the Time the *Indians* are to stay, and the *Indians* bring not with them any Guns, or Ammunitions, or other offensive Weapons, but only such Tools or Implements, as serve for the End of their coming. And if any *Englishman* shall presume to take from the *Indians*, so coming in, any of their Goods, or shall kill, wound, or maim any *Indian*, he shall suffer, as if he had done the same to an *Englishman*, and be fined for his Contempt.

And because many under-hand and unlicensed Traders do truck and trade with the *Indians* (contrary to the Act of Assembly, and to the great Prejudice of all such, as legally procure Commissions from the Governor) under Pretence, that the Things trucked for be given them by the *Indians*: Be it therefore Enacted, That what Persons soever shall, upon any Pretence whatsoever, buy, take, or receive any Thing or Commodity from an *Indian*, shall, upon Proof thereof at any Court, be ordered to pay Treble the Value of the Thing received, to the Person injured thereby.

And because sometimes Differences may arise between the *Indians*, and those they trade with, which, if we should proceed by way of Arrest, might tend much to the Disturbance of the Peace of the Country; Be it therefore Enacted, That any Commissionated Trader, having a Difference with any *Indian* King, or other, shall repair to the Governor for him, or such other, as he shall appoint, to determine the Matter in Controversie between them.

And because the Imprisonment of an *Indian* may bring a War upon the Country, and consequently the making of Peace and War being wrested out of those Hands, it is, by His Majesty's Commission, intrusted into the Power of every Individual in the Country: Be it therefore Enacted, That no Person, of what Quality soever, presume to imprison any *Indian* King, without a special Warrant from the Governor and Two of the Council, as they will answer the contrary at their utmost Peril.

And because this Act cannot be put in Execution, without Commissioners to view the present Bounds of the *English* and *Indians*; Be it therefore Enacted, That the Honourable Governor be desired and authorized to appoint uninterested Persons Commissioners, to go with Parties of Horse to the several *Indian* Towns, and there to proclaim these and the following Articles of Peace between us and the *Indians*, to settle the Bounds between us, and to appoint others, of the most Integrity, to fix the Time, and assess the Work, to help the *Indians* fence, and all other Things by this Act enjoyned. And, for Prevention of future Intrenchments beyond the Bounds once fixed, be it further Enacted, That the Governor be desired and authorized to commissionate certain Persons annually to visit the same, and to take Care, that no Intrenchment be henceforth made upon the *Indians*.

And because an Interval between the *Indians* cannot, in the present Nearness of Seating, be so laid out, as may wholly secure the *English* from the *Indians* coming in, and pilfering Things from them, if a free Intercourse be admitted; Be it therefore Enacted, for Prevention thereof, and to the End that the Nations may be distinguished; and so, if they are taken in the Manner of doing any Injuries, the Sufferers know to what Kings to address themselves for Remedy, That Badges, (*viz.* Silver Plates, and Copper Plates, with the Name of the Town graved upon them) be given to all adjacent Kings within our Protection. And that all the said Kings give it in Charge to their People, that

none of them presume, upon what Occasion soever, to come within the *English* Bounds, without those Badges upon them, or One with a Badge in their Company; and if any Damage or Injury be done to any *Englishman* by them, or any of them, that then the King, or Great Man of the Place the Badges denote, shall be answerable for it. And if any shall, notwithstanding this Injunction, be found in our Bounds without any such Badge, or not accompanied with One that shall have them, that then it shall be lawful for any *Englishman* to carry him or them before any Justice of the Peace, who shall keep him or them in safe Custody, until their King or Great Man ransom them, by paying One hundred Arms Length of Roanoke for each *Indian* so taken, to be disposed of by the Publick: Provided always, That if any *Englishman* shall be found, or proved, to have taken away any of their Badges, thereby to make the *Indians* guilty of breaking this Law, that then the Person so offending, shall be set in the Pillory Two Hours, on the Court-day, in the County where they have committed the Offence, with their Fault in Great Letters written upon them, and to be fined Five thousand Pounds of Tobacco, to the Use of the Publick; and, in case of Disability, lie Six Months in Prison, without Bail or Mainprize.

AND be it further Enacted, That all *Indian* Kings, Tributary to the *English*, when they have the least Notice of any March by any strange *Indians*, near our Quarters, shall repair themselves, or at least send some One of their Great Men to the next of the Militia, which shall be nominated and appointed by the Governor for that Purpose, and acquaint him, with as much as they know, concerning the Nation, the Numbers, and which Way they conceive they will bend their Course. And if they then shall desire any Aid from us to secure them, that a Party be sent presently out by the Colonel of the Militia to that Purpose; which, by this our Assistance and reciprocal Care, will make them and us have an equal Interest in each other's Preservation; while on the other side, we being ignorant of the Marches of Foreigners, impute all Damages we then receive, which is then commonly most, to our Neighbours, how innocent soever.

AND be it further Enacted, That if any *Indian*, by the inveigling of any *English*, or of his own Will, shall, without Leave of the King, or Great Man of the Place, come within the Bounds limited them, and there procure Harbour or Entertainment, it shall be lawful for any *Englishman* to take the said *Indian*, and convey him to his Town, to be punished; and to recover of the *Englishman*, that harboured or entertained him, so much *per* Day as, by the Law for entertaining other Run-aways, is recoverable.

AND be it further Enacted, That what *Englishman*, Trader, or other, shall bring in any *Indians* as Servants, and shall assign them over to any other, shall not sell them for Slaves, nor for any other Time, than *English* of the like Ages should serve by Act of Assembly.

AND because heretofore many entertained *Indians* by Licences of particular Persons, who did much Damage to their Neighbours; Be it henceforth Enacted, That no Person, of what Quality soever, shall entertain any of our neighbouring *Indians* as Servants, or otherwise, unless by a Licence obtained from the Governor himself, upon their Obligation, that desire it, to be answerable for all the Injuries and Damages that the *Indians*, by them entertained, shall do to any *English*.

CXXXVII. *Clerks*

CXXXVII.

Clerks Fees to be paid.

WHereas, by a former Act of Assembly, Clerks of Courts were made uncapable of recovering their Fees, after they had been Two Years due; Be it Enacted, That the said Act be Repealed; and that all their Accounts shall be Three Years Pleadable: And that hereafter all Sheriffs, or Collectors, shall either receive, distrain for, or secure by Bill, all Secretary or Clerk of Courts Accounts delivered them, and be allowed Ten *per Cent* for what is received, and Five *per Cent*. for what Bills are taken. And the Sheriff, or other Collector, not receiving or securing, as aforesaid, to be responsible for the Account omitted: Provided, That they, the said Sheriff or Collectors, shall not be liable for the Account of any Person removing out of the County before the laying the Levy, unless they receive the Levies, or Sheriff's Fees; and then to be accountable for the Clerk's Fees also: Provided also, That the Clerks deliver or send their Accounts, attested under their Hands, to the said Sheriff or Collectors within Four Days after laying the Levy in their several Counties.

Be it Enacted and Confirmed by this present Grand Assembly, That the Secretary's Fees shall be as followeth, (*viz.*)

The Secretary's Fees.

	lb *Tobac.*
Imprimis, FOR a Patent, and Recording it	80
For a Commission of Administration, and Recording it	60
For a Probate, and Recording it	60
For a Commission to trade	50
For a Deposition	15
For a Bond, and Recording it	40
For a Copy of a Patent	30
For Recording a Letter of Attorney	30
For Recording a Will	30
For a Common Warrant	15
For an Order	15
For a Copy of an Order	15
For Recording a Bill or Receipt	10
For an Execution	30
For a Pass	30
For a *Subpœna*	15
Far a Petition, if writ	15
For a Certificate for Land	15
For a Copy of an Act of Assembly	15
For Recording a Bill of Sale, or such like	30
For a Commission for the Militia or Court	50

BE it alſo further Enacted, That the County Court Clerk's Fees be as followeth, (*viz.*)

County Court Clerk's Fees.

	lb *Tobac.*
Imprimis, FOR an Action	8
For Entring an Order	8
For the Copy of an Order	8
For an Execution	15
For an Attachment	15
For a Depoſition	10
For a Copy of a Depoſition	10
For Adminiſtrations and Probates, both at	60
For a *Subpœna*	10
For a Petition, if they write it	10
For Entry of a Petition	3
For a Certificate for Land	20
For any other Certificate	10
For Recording of any Buſineſs, Orphans excepted,	20
For Recording Inventories and Conveyances	30
For a *Scire facias* in any Court	10

And if any thing elſe be done by them, than what is here expreſſed, the Commiſſioners to adjudge the Fee.

BE it alſo Enacted, That the Sheriff's Fees ſhall be as followeth, (*viz.*)

The Sheriff's Fees.

	lb *Tobac.*
Imprimis, FOR an Arreſt	10
For Bond	5
For going into Priſon	10
For Whipping	20
For Pillory	20
For Serving a *Subpœna*	10
For Serving an Execution, if under One hundred Pounds of Tobacco	10
If above One hundred, to Five hundred,	20
If above Five hundred, to One thouſand,	40
If to Two thouſand	60

If above Two thouſand, Ten Pounds *per* Thouſand.

For Summoning and Impannelling a Jury, for every Cauſe, Twelve Pounds of Tobacco; and for every Perſon ſummoned, Five Pounds of Tobacco.

Attachments, as for Arreſts, and if further Trouble, to be allowed by the Court.

AND whereas ſome of the Sheriff's Fees, upon Execution, have heretofore ſeemed to have been Arbitrary, this Aſſembly hath thought fit to aſcertain them, and to Enact, That he ſhall have, for Summoning every Appraiſer, Ten Pounds of Tobacco; and the Appraiſer to have Thirty Pounds of Tobacco *per* Cauſe, if they finiſh it in One Day; and Thirty Pounds of Tobacco *per* Day, if they are longer about it.

The

Be it Enacted by this present Grand Assembly, That the Clerk of the Assembly's Fees shall be as followeth, (*viz.*)

The Clerk of the Assembly's Fees.

	lb *Tobac.*
Imprimis, FOR Entry of a Cause by Return, Plea, or Petition	20
For an Order, and Copy of an Order	20
For Denization	50
For Naturalizing	50
For County Courts Commissions	50
For Militia Commissions, if granted by Assembly	50
For Copying the Acts of every Assembly	300
For the whole Body of the Acts writing	300
For attesting Act of Assembly: Copying Answer and Replies.	

CXXXVIII.

Interpreters made for the Country. Obsolete.

At a GRAND ASSEMBLY held at *James-City* by Prorogation, from the 23^{d} of *March*, 1660, to the 23^{d} of *March*, 1661, and thence to the 2^{d} of *December*, 1662, in the Fourteenth Year of the Reign of our Sovereign Lord *Charles* II. by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

An Act concerning Sheriffs making False Returns. N° 1.

WHEREAS the Sheriffs of the several respective Counties do often, contrary to Act of Assembly, accept of the Promise of the Party Arrested, instead of taking Bail, which by Act he is enjoyned to do; and yet, to save himself harmless, doth make False Return, *viz.* that the Writ could not be executed, whereby the Creditor is delayed in his Suit; or *Non est inventus*, whereby Attachment issues to the Damage of the Defendant: Be it therefore Enacted by this present Grand Assembly, and the Authority thereof, That every Sheriff, that shall be proved to have executed the Writ, and yet make such False Return, shall be fined Three thousand Pounds of Tobacco; one Half to the Publick, and the other Half to the Party damaged or delayed, as aforesaid.

An Act concerning Servants, Owners of Goods. N° 2.

WHEREAS many Servants, imported into this Country, being ignorant of the Customs here, do sometimes bring in with them some small Parcels of Goods, or have them sent afterwards by their Friends; which usually, either the Party that imports them, or he to whom they are assigned as Servants, convert to their own Use: Be it therefore Enacted by this Grand Assembly, and the Authority thereof, That all Servants, bringing Goods in with them, not being their own Wearing Apparel, or having them consigned to them during the Time of their Service, shall have the Propriety of their own Goods, and, by Permission of their Master, dispose of the same for their own future Advantage.

An

Nº 3. *An Act against Persons that refuse to have their Children Baptized.*

WHereas many Schismatical Persons, either out of Averseness to the Orthodox Established Religion, or out of the new-fangled Conceits of their own Heretical Inventions, refuse to have their Children Baptized: Be it therefore Enacted by this present Grand Assembly, and the Authority thereof, That all and every Person and Persons, that, in Contempt of the Divine Sacrament of Baptism, shall refuse, when he or they may carry his or their Child or Children to a lawful Minister, in that County where he or they dwell, to have them Baptized, shall be amerced Two thousand Pounds of Tobacco; Half to the Parish, Half to the Informer.

Nº 4. *An Act declaring how Judgments shall be passed upon a* Non est inventus *returned.*

WHereas, by the present Law, where a *Non est inventus* is returned, an Attachment is granted Returnable to the next Court, and Judgment upon the Attachment the Court following; yet, if the Arrest be upon an Action of the Case upon Account, prescribes no way of making Proof of the Debt, the Act for Accounts referring them to the Oath of the Debtor: Be it therefore Enacted by the Authority aforesaid, That henceforth, in all such Cases, the Creditor's Oath shall be taken to his Account, and Judgment pass for the same he deposeth to be due to him: And in like Manner, where Bail is taken, and the Defendant appears not, upon Proof made by Oath of the Creditor, as aforesaid, Judgment shall pass against the Bail for the Debt.

Nº 5. *An Act for Punishment of Scandalous Persons.*

WHereas many Babling Women slander and scandalize their Neighbours, for which their poor Husbands are often involved in chargeable and vexatious Suits, and cast in great Damages: Be it therefore Enacted by the Authority aforesaid, That in Actions of Slander, occasioned by the Wife, after Judgment passed for the Damages, the Woman shall be punished by Ducking; and if the Slander be so enormous, as to be judged at greater Damages than Five hundred Pounds of Tobacco, then the Woman to suffer a Ducking for each Five hundred Pounds of Tobacco adjudged against the Husband, if he refuses to pay the Tobacco.

An

An Act concerning Women Servants got with Child by their Masters. No 6.

WHereas, by an Act of Assembly made the Twenty third of *March*, One thousand six hundred sixty one, every Woman Servant, having a Bastard Child, is (to repair the Trouble and Charge sustained by the Master) to serve Two Years after her Time by Indenture is expired; and late Experience shewing, that some dissolute Masters having themselves gotten their Women Servants with Child, yet have shamelessly claimed the Benefit of their Service: And on the other side, if a Woman, got with Child by her Master, should be freed from that Service, it might probably induce such loose Persons to lay all their Bastards to their Masters: It is therefore thought fit, and accordingly Enacted, That from henceforward each Woman Servant, got with Child by her Master, shall, after her Time by Indenture or Custom is expired, be, by the Church-wardens of the Parish where she lived when she was brought to bed of such Bastard, sold for Two Years, and the Tobacco be employed by the Vestry for the Use of the Parish.

An Act for compelling Witnesses subpœna'd to deliver their Evidence upon Oath. No 7.

WHereas the Law of this Country already made, prescribes no Way of compelling Witnesses to give in their Evidences upon Oath; Be it therefore Enacted, That henceforth all Witnesses subpœna'd to give Evidence in any Cause, if they refuse to deliver it upon Oath, shall be committed to Prison, and there remain until they declare their Evidence upon Oath.

An Act concerning Servants being the Reputed Fathers of Bastard Children. No 8.

WHereas, by the present Law of this Country, the Punishment for the Reputed Father of a Bastard Child, is the keeping the Child, and saving the Parish harmless; and if it should happen the Reputed Father to be a Servant, who can no ways accomplish the Penalty of that Act: Be it therefore Enacted by the Authority aforesaid, That where any Bastard Child is gotten by a Servant, the Parish shall take Care to keep the Child, during the Time the Reputed Father hath to serve by Indenture or Custom; and that after the said Reputed Father is free, he shall make Satisfaction to the Parish.

N° 9. **An Act injoyning the Recording all Conveyances, made in England, in the Secretary's Office.**

WHereas daily Experience sheweth, that many Persons, Inhabitants of this Country, do privily make over their Estates to others in *England*, and by that Means defraud all their Creditors in this Country of their just Debts; Be it therefore Enacted, That all Conveyances of any Estate in this Country, made over to any Person in *England*, or Authentick Copies thereof, shall be sent over into this Country the next Shipping after they are made, and be here manifested in the General Court, and recorded in the Secretary's Office, or else to be held for Fraudulent and of no Force, to the barring the Claim of any Creditor in this Country.

N° 10. **An Act for Defendants in Appeals to give in Security to answer the Appeal.**

WHereas, by the Law of this Country, all Appellants from any Courts are bound to prosecute their Appeals, but the Defendant left at Liberty without Security for his Appearance; Be it therefore Enacted, That henceforth all Defendants in Appeals shall give Bail for their Appearance, as in case of Arrests; and the Sheriff and Bail to be responsible for Non-appearance, as in case of Arrests.

N° 11. **An Act concerning Servants brought in under Sixteen Years of Age.**

WHereas, by Act of Assembly, the several County Courts are appointed Judges of the Age of Servants coming in without Indentures, but no Time limited after their Arrival for the bringing them to those Courts; Be it therefore Enacted, That every Master, buying or bringing in a Servant without Indentures, shall be, and hereby is enjoyned to carry him to the Court within Four Months after he hath bought him, when the best Judgment may be given of his Age, or else the Servant shall not serve any longer than those of Sixteen Years of Age are to serve by the Custom of the Country.

N° 12. Repeal'd, 1696. **An Act for Mulatto Children, being Bond or Free, according to Condition of the Mother.**

An

An Act declaring Women Servants Tythable. No 13.

WHereas divers Persons purchase Women Servants to work in the Ground, that thereby they may avoid the Payment of Levies; Be it therefore Enacted, That all Women Servants, whose common Employment is working in the Ground, shall be reputed Tythable, and Levies paid for them accordingly; and that every Master of a Family, not giving an Account of such in his List of Tythables, shall be fined as for other Concealments.

An Act ascertaining Damages upon Protested Bills of Exchange. No 14. Repeal'd, 1666.

An Act impowering Counties or Parishes to make By-Laws. No 15. Repeal'd, 1685.

An Act for Building a Town. No 16. Expired.

An Act for the Imposition of Two Shillings per *Hogshead.* No 17. Repeal'd, 1680.

An Act concerning Castle Duties. No 18. *Ditto.*

An Act imposing a Tax upon Horses. No 19. Repeal'd, 1665.

An Act for Encouragement to build Vessels. No 20. Repeal'd, 1666.

An

Nº 21. Obsolete.

An Act for Handicraftsmen to pay Levies.

Nº 22. Useless.

An Act Repealing the Act for Itinerary Judges.

Nº 23. Repeal'd, 1671.

An Act concerning Hides.

Nº 24.

An Act for the Adjournment of the Assembly.

At a GRAND ASSEMBLY held at *James-City* by Prorogation, from the 2d of *December*, 1662, to the 10th of *September*, 1663, and in the Fifteenth Year of our Sovereign Lord King *Charles* II.

An Act prohibiting the unlawful Assembling of Quakers. No 1.

A.D. 1663.

WHEREAS it is evident, that of late Times certain Persons, under the Names of *Quakers*, and other Names of Separation, have taken up and maintained sundry dangerous Opinions and Tenets: And whereas the said Persons, under Pretence of religious Worship, do often assemble themselves in great Numbers, in several Parts of this Colony, to the great endangering it's publick Peace and Safety, and to the Terror of the People, by maintaining a secret and strict Correspondence among themselves; and in the mean time separating themselves from the rest of His Majesty's good and loyal Subjects, and from the publick Congregations and Places of divine Service and Worship: For redressing whereof, and better preventing the many Mischiefs and Dangers that may and do arise by such dangerous Tenets and unlawful Assemblies, Be it Enacted by this present Grand Assembly, and the Authority thereof, That if any Person or Persons, commonly called *Quakers*, or any other Separatists whatsoever in this Colony, shall, at any time after the Publishing this Act in the several respective Counties, depart from the Places of their several Habitations, and assemble themselves to the Number of Five, or more, of the Age of Sixteen Years or upwards, at any one time in any Place, under a Pretence of joyning in a religious Worship, not authorized of *England* nor of this Country, that then in all and every such Cases the Party so offending, being thereof lawfully convicted by the Verdict of Twelve Men, or by his own Confession, or by notorious Evidence of the Fact, shall, for the first Offence, each Person forfeit and pay Two hundred Pounds of Tobacco; and if any such Person or Persons, being once convicted, shall again offend therein, and shall, in Form aforesaid, be thereof lawfully convicted, shall, for the second Offence, forfeit and pay Five hundred Pounds of Tobacco, to be levied by Distress and Sale of the Goods of the Party so convicted, by Warrant from any One of the Justices before whom they shall be so convicted, rendring the Overplus to the Owners, if any be: And for want of such Distress, or want of Ability of any Person among them to pay the said Fine or Fines, then it shall be lawful to levy and recover the same from the rest of the Separatists

A.D. 1663. *Quakers*, or any One of them then present, that are of greater Abilities, to pay the said Fine or Fines. And if any Person, after he or she, in Form aforesaid, hath been twice convicted of any the said Offences, shall offend a third time, and be thereof lawfully convicted, that then every such Person so offending and convict, as aforesaid, shall, for his or her third Offence, be banished this Colony of *Virginia* to the Place the Governor and Council shall appoint.

And be it further Enacted by the Power and Authority aforesaid, That each Master of Ship or Vessel, that shall import or bring in any *Quaker* into this Colony, to reside after the First Day of *July* next, unless by Virtue of an Act of Parliament made in *England* the Nineteenth of *May*, in the Fourteenth Year of the Reign of our Sovereign Lord the King, shall be fined Five thousand Pounds of Tobacco, to be levied by Distress and Sale of the Master's Goods, by Warrant from any Justice of Peace in the County where any such Person or Persons shall arrive, the same being proved by sufficient Evidence; and the said Master shall be further enjoyned to carry him or them out of the Country again, when his Ship returns, and to take especial Care to secure him, her, or them, so brought in, as aforesaid, from spreading any seditious Tenets, whilst he, she, or they remain in the Country.

And be it further Enacted, That any Person or Persons, Inhabitants of this Country, that shall entertain any *Quakers*, in or near their Houses, to teach or preach, shall likewise be fined Five thousand Pounds of Tobacco for each time they do so entertain them, to be levied by Distress and Sale of the Person's Goods by Order from the Justices of Peace in the next County Court held for that County where the Fact was committed, before whom the said Fact shall be by Evidence proved.

And be it further Enacted, for Prevention of Neglects in the due Execution of this Act by any Magistrate or Magistrates, Officer or Officers of this Colony, That in case any Justice of the Peace, or any other Officer, shall neglect the Performance of their Duty in prosecuting this Act, or shall directly or indirecty connive at any Breaches thereof, he or they, for every such Offence, shall be fined Two thousand Pounds of Tobacco, to be levied by Distress and Sale of the Goods of the Person so offending, he or they being thereof lawfully convicted by the Verdict of Twelve Men, or by his own Confession, or Evidence of the Fact.

And be it further Enacted by the Authority aforesaid, That all Justices of the Peace, in their several Counties, shall be hereafter impowered to inquire, hear, and determine all and every the Offences aforesaid within the Limits of their Commission, and to give Warrant for the levying and distressing the Fines upon the Goods of the Persons offending: All which said Fines mentioned in this Act, shall be disposed of to the Use and Uses, Purpose and Purposes following, *viz.* The Two hundred and Five hundred Pounds of Tobacco, imposed on the *Quakers*, and other Separatists, for unlawful Assembling, shall be paid, Half to the Informer, and Half to the Use of the Parish where the Fact was committed; That the Five thousand Pounds of Tobacco, imposed on each Master that shall bring in any *Quaker*, shall be paid, Half to the Informer, Half to the Use of the Parish in the County where the Person or Persons do arrive; That the Five thousand Pounds of Tobacco, imposed upon every Inhabitant that shall entertain, as aforesaid, in or near his House, any *Quaker*, shall be paid, Half to the Informer, and Half to the Parish in the County where he lives, for pious Uses: Provided always, that the Charge of their Apprehending be first defrayed; That the Two thousand Pounds of Tobacco, imposed upon any Magistrate or other Officer, that shall neglect the due Prosecution of this Act, shall be paid, Half to the Informer, and Half to the Parish in the County where he lives.

A.D. 1663.

PROVIDED always, and be it further Enacted, That if any of the said Persons, *Quakers*, or other Separatists, shall, after such Conviction, as aforesaid, give Security that he, she, or they shall for the time to come forbear to meet at any such unlawful Assemblies, as aforesaid, that then and from thenceforth such Person or Persons shall be discharged from all the Penalties aforesaid; any thing in this Act to the contrary notwithstanding.

AND be it further Enacted, That all Officers of this Country be hereby strictly enjoyned to take Notice of this Act, and to see the same put in due Execution.

An Act concerning the Bounds of this Colony on the Eastern Shore.

No 2. Obsolete.

An Act prohibiting the Exportation of Deer-skins and Calve-skins.

No 3. Repeal'd, 1671.

An Act prohibiting the Entertainment of Indians *without Badges.*

No 4. Obsolete.

An Act for the better Payment of the Ten Shillings per *Hogshead.*

No 5. Repeal'd, 1665.

An Act concerning the Salt-work at Accomack.

No 6. Repeal'd, 1666.

An Act for the exacter Discovery of concealed Tythables.

No 7.

WHereas divers Masters of Families, notwithstanding the many Laws made to the contrary, do conceal some of their Families legally Tythable to a very considerable Number, as may be justly suspected in the whole Country, and consequently do inlarge the Taxes of those that do legally conform: For Remedy of the like Abuses hereafter, Be it therefore Enacted by this Grand Assembly, and the Authority thereof, That every Master of a Family shall give an Account of every Tythable Person in their said Family, with their several Names, to the next Magistrate appointed to receive

A. D. 1663. receive the List annually by the Tenth of *June*; and in case any such Master of a Family shall conceal any Person or Persons of his Family, then every such concealed Person or Persons shall be forfeited to him that shall make it appear, unless he was bought after the Tenth of *June*; but if any such concealed Person, being a Servant, hath less than a Year to serve, or if the Person concealed be a Freeman, then for every such Person the Master of the Family shall forfeit One thousand Weight of Tobacco.

PROVIDED always, That Women-Servants be exempted out of this Act, which, whether they are Tythable or not, is referred to the County Court to adjudge and determine.

No 8. Repeal'd, 1684.

An Act concerning the Pursuit of Run-aways.

No 9. Obsolete.

An Act for the Half of Fines to be paid to the Informer.

No 10.

An Act concerning Foreign Debts.

WHereas it was omitted to be inserted in the Printed Laws of this Country, that Monies due in *England* for any Consideration, not imported into this Country, should not be Pleadable here; It is therefore Enacted and Declared, That the said Act was never Repealed, but that it hath always been, and still doth continue in Force; and that, according to the Tenor thereof, no Debt whatsoever is Pleadable against any Inhabitant of this Country, but for Goods imported into this Country.

No 11.

An Act permitting Persons under Execution to redeem their Bodies with their Estates.

SINCE the Act for Payment of Executions in kind, exposed most Men in the Country to Ruin, by the Malice of their too rigid Creditors, who by that Act might take the Advantage oftentimes, when Tobacco or Money, the two Things most usually obliged for, were not in Possibility to be procured, detain their Persons in Prison, to the Destruction of their Credit, Families, and Fortunes: Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, That the said Act, as too full of Rigour, be Repealed; and that instead thereof it be Enacted, That when any Person shall be laid under Execution for Debt, he shall first make Oath, that he hath not directly or indirectly any Specifical Tobacco or Money to answer the Debt, and then shall tender an Estate to the Treble Value of his Debt; and in case of Disability, an Inventory of the whole Estate, upon Oath

to

to the Creditor, who ſhall have Liberty to make Choice of any of the Eſtate ſo tendered for Satisfaction of his Debt, which being appraiſed by Four Men choſen, Two by the Creditor, and Two by the Debtor, ſhall be by the Sheriff delivered to the Creditor, and the Debtor be acquitted; but if the whole Eſtate will not ſatisfie the Debt, then the Perſon of the Debtor to remain in Priſon; and in caſe of Diſagreement between the Debtor and Creditor, either in Choice of the Eſtate or Appraiſers, then it ſhall be lawful for the next Commiſſioner to appoint Four indifferent Perſons to chuſe, appoint, and appraiſe what Part of the ſaid Eſtate ſhall ſatisfie the Debt; and in caſe of their Diſagreement, the ſaid next Commiſſioner ſhall be, and is hereby impowered to determine the Controverſie. A.D. 1663.

An Act concerning a Stint.

No 12. Repeal'd, 1664.

An Act reſpiting the Fine for Planting Mulberry-trees.

No 13. Expired.

An Act for keeping Holy the Thirteenth of September.

No 14. Obſolete.

An Act concerning the Entertainment of Strangers.

No 15. Obſolete.

An Act concerning the Northern Indians.

No 16.

UPon ſerious Debates and Conſiderations had of the late Troubles, and Means moſt likely to procure the future Peace and Safety of this Country, It is, by this Grand Aſſembly, and the Authority thereof, Enacted, That the King of *Potomeck*, and all the *Werowances*, and *Mongaies*, that have given any cauſe of Jealouſie to the *Engliſh*, ſhall, as ſoon as may be, deliver ſuch Hoſtages of their Children, or others, as ſhall be required; and if they, or any of them, ſhall refuſe to deliver ſuch Hoſtages as ſhall be required, that Nation to be declared an Enemy, and proceeded againſt accordingly: And if it ſhall at any time hereafter happen, that any *Engliſhmen* be killed or hurt, or any ways injured by any *Indian*, that Nation or Nations neareſt adjoyning, where the Murder or Injury ſhall be committed, ſhall be enjoyned to uſe their beſt Endeavour to bring in the *Indian* or *Indians* that committed the Offence, or elſe they to be declared the Actors thereof, and proceeded againſt accordingly. And if any ſtrange *Indians* whatſoever, not Tributary to the *Engliſh*, ſhall at any time come into any of their Parts, that they immediately raiſe all the Force they can againſt them, and purſue them as Enemies; and in caſe they

A.D. 1663. shall want any Assistance from the *English*, not having Strength enough themselves, the Nation or Nations, who desire it, shall repair, or send some of his or their great Men to such Officer or Officers of the Militia, as by the Honourable the Governor shall be impowered, and inform him or them, as near as they can, of the Number of their Enemies; which Officers are hereby required to send such Aid to assist them, as by their Commission they shall be impowered: And further, that the King of *Potomeck*, and all the rest of the neighbouring *Indians*, shall hereafter use all their Care and Diligence in finding out the Doers and Actors of the late Murders and Mischiefs done upon and to the *English*, and upon Intelligence to cause the Murderers, or use their utmost Endeavour to have them brought in; and that all the Nations joyn and pursue the *Doegs*, who confess to be Actors in the first Murders to the *Okanakeyes* and *Monachins*, or to any other Place, where they have Intelligence they, or any of them, are fled to; and when they have found them, to bring them to the *English*; and also, if any of the *Doegs* shall at any time hereafter come to truck or trade with them at any Place, that they presently secure them, and bring them to the *English*.

AND be it further Enacted, That the King of *Potomeck* be enjoyned not to go and hold *Matchacomoco* with any strange Nation without Knowledge of the aforesaid Officers of the Militia, until the Hostages be delivered, according to the Tenor of this Act.

AND as we have endeavoured for the future, for the Safety of the Country, that such Hostages be delivered, as shall be required, so it is also Enacted, That the Hostages to be delivered shall be civilly used and treated by the *English*, to whose Charge they shall be committed; and that they be brought up in the *English* Liturgy, so far as they are capable; and that the Care of putting them forth, and the Disposal of all Things belonging to them, be humbly referred to the Honourable the Governor, who is also desired, from time to time, as he shall see Cause, to enquire of their Usage; and that there be allowed, if there be not Persons willing to take them otherwise, and educate them, as aforesaid, Twelve hundred Pounds of Tobacco a Year for each Hostage, for such Maintenance and Education.

AND for the *Indians* Assurance under our Government, Be it Enacted, That they shall have equal Justice with our own Nation, as the Laws already made have provided.

AND be it further Enacted, That in case any of the said Hostages be seduced, or carried away by any *Indian*, or otherwise depart out of the Limits prescribed, then any Nation entertaining such Hostages, or not bringing them back, shall be held, declared, and proceeded against as an Enemy.

No 17. *An Act prohibiting Servants going abroad without Licence.*

FOR the better Suppressing the unlawful Meeting of Servants, It is thought fit and Enacted by this present Grand Assembly, and the Authority thereof, That all Masters of Families be enjoyned, and take especial Care, that their Servants do not depart from their Houses without particular Licence from them; and that the several and respective County Courts, as they find Cause, take especial Care to make By-Laws within themselves, as by the Act dated the Third of *December*, One thousand six hundred sixty two, they are impowered, as may cause a further Restraint of all unlawful Meetings of Servants, and punish the Offenders.

At

At a GRAND ASSEMBLY held at *James-City* by Prorogation, from the 10th of *September*, 1663, to the 20th of *September*, 1664, and in the Sixteenth Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for the Priority of Payment to the Country Creditors. No 1.

A. D. 1664.

WHEREAS many Persons, coming into this Country, possessed of visible Estates, do by that Means obtain Credit here, and contract several Engagements; notwithstanding which Engagements, past for valuable Considerations, it often happens, that the whole Estate is, by pretended Accounts out of *England* and Foreign Parts, taken away, and the Country Creditors deprived by that means of their just Dues: Which the present Grand Assembly taking into their Consideration, have therefore Enacted, That in such Cases all Courts shall give a Priority in Judgments for Debts contracted in this Country, if the Claim be made within Twelve Months; before which Time no Foreign Debt shall be Pleadable, unless there be Assets remaining after the Country Debts are paid.

BUT this Assembly intending hereby but only the Prevention of Frauds, not the Prejudice of any just Creditor, that hath *bona fide* adventured his Goods into this Country, have therefore further Enacted, That if any Factor, coming out of *England*, or any other His Majesty's Plantations, shall, within Two Months after his Arrival, make Entry in any Court of Record, of the Name of the Person adventuring by him, and the Value of the Goods adventured, every such Adventurer shall, if the Factor die, have equal Pleading with the Inhabitants of this Country; but in case no such Entry be made, all Goods imported shall be taken to be the proper Estate of the Possessor.

AND to the End all Merchants, and other Persons concerned, may have Notice hereof, It is further Enacted, That this Act shall not be in Force until the First of *March*, One thousand six hundred sixty five.

An

A.D. 1664.

No 2. **An Act for Frontiers to be seated with Four able Hands.**

WHereas Experience hath evidenced, that the Weakness of the Frontier Plantations hath animated the *Indians* to commit several horrid Murders: This Grand Assembly endeavouring, as much as may be, the Prevention thereof for the future, have Enacted, and by these Presents do Enact, That no Person shall hereafter seat above the Plantations already seated, but with Four able Hands, well armed, at his first seating down; Provided, that such Persons, that have already patented Land in any remote Part, may have Seven Years granted them to strengthen each particular Plantation, with the aforesaid Number of Four Men, or else desert their Land.

No 3. Obsolete. **An Act for Liberty to plant.**

No 4. **An Act proportioning all Actions for the Forenoon and Afternoon.**

WHereas the Dispatch of Business to the General Courts, is very much retarded by the Liberty granted to all Persons arrested, to the said Courts, to appear at any time within the Day assigned in the Writ by the Plaintiff, by which means most Causes are referred to the Afternoon, and that Time being insufficient to hear and determine the said Causes, the Court is thereby necessitated to put Business out of Course, by referring them to the next Morning: For the Prevention of which Inconveniencies this Grand Assembly have thought fit to Enact, and be it by the Authority thereof Enacted, That all Writs, that shall for the future issue out of the Secretary's Office, returnable to the General Court, shall be divided, according to the respective Days, into Ten for the Forenoon, and Ten for the Afternoon; and if the Plaintiff shall at that Time fail in appearing to prosecute, a Nonsuit may be granted against him; and Judgment against the Defendant, Bail, or Sheriff, in case the Defendant fail of his Attendance to answer.

No 5. **An Act concerning the Regulating the Secretary's Office.**

WHereas it is evident, that in all Countries the well or ill keeping of Records is of the highest Consequence, as being the only Means to preserve the Rights and Properties of all the Inhabitants of the same: And since it appears that there hath been a great Neglect in keeping the Records in this Country, for Remedy whereof for the future, this Grand Assembly, at the Instance of the present Secretary, *Thomas Ludwell*, Esq; have thought fit to Enact, and be it by the Authority thereof Enacted, That Captain *Robert Ellison*, Mr. *Walter Childs*, and the Clerk of the Assembly, be appointed by the

the House to examine and state the Records, as they now are; and that for the future, so soon as there is a Place convenient, to receive them: No Person may have a View of them, unless upon publick Order, but the Clerk of the Office, or whom else the Secretary shall appoint, it being impossible to keep the Records certain, when they are prostituted to the View of every one that will look into them, who may, as their Interest leads them, rend out what may make against them. Provided, that any Person, having Occasion, may be with the Clerk when he makes the Search, for which there shall be paid to the Clerk for his Fee One Shilling, or Ten Pounds of Tobacco, besides paying for the Copy of the thing searched for. A.D. 1664.

And it is further Enacted, That but Half that Fee shall be paid to the Clerk for Search in the County Court Records.

An Act for convening of the People, upon Summons of the Burgesses, to Adjourned Assemblies. No 6.

WHereas the principal End of Convention of Assemblies, is the making Provision for the Peoples Safety, and Redress of their Grievances, which being usually made known to the Burgesses of the respective Counties at the Place and Time of their Elections, which upon adjourned Assemblies is not done, by reason the Sheriffs do not make Publication of their Summons: Wherefore it is, by the Grand Assembly, and the Authority thereof, Enacted, That upon the Issuing the Summons for Convention of the Burgesses of this or future Assemblies adjourned, timely Notice may be given to the People, by Publication in the Parish-Churches, of the Day appointed by the Sheriff, of their Meeting at their usual Places of Election, to present their Grievances to the Burgesses.

An Act concerning Widows Thirds. No 7.

WHereas some Doubts have arisen about the Proportioning and Assigning the Thirds of the Estate of Persons Intestate to their Widow: It is for Explanation Enacted by the Grand Assembly, and the Authority thereof, That the Estates of all Persons Intestate, or where the Will is doubtful, whether Personal or Real, *viz.* Land cleared, or Wood Land, and Housing, may be, according to the Quantity and Quality of the said Land and Housing, divided equally into Thirds, and the Widow to have her Choice after the Division.

An Act Repealing the Act concerning Rum. No 8. Obsolete.

A.D. 1664.

No 9.

An Act concerning Arrests in Court-times.

WHereas divers Persons repairing to *James-City* in the time of Quarter Courts and Assemblies, some about Service of the Publick, some to give Evidence, and others to their other Occasions; which, by the Malice of some Persons taking them at an Advantage, are arrested to a present Answer; for Fear whereof divers Persons do absent themselves, to the great Prejudice of the publick Affairs, and the Obstruction of Justice: It is therefore Ordered, That no Arrests, Five Days before the General Courts or Assemblies, or Five Days after the General Courts or Assemblies, be served upon any Person at *James-City*, except he be an Inhabitant of *James-City* County.

At

At a GRAND ASSEMBLY held at *James-City* by Prorogation, from the 20th of *September*, 1664, to the 10th of *October*, 1665, and in the Seventeenth Year of the Reign of our Sovereign Lord King *Charles* II.

An Act impowering a Justice of the Peace to grant Attachments. Nº 1.

A.D. 1665.

WHEREAS it hath been scrupled, whether a particular Justice of the Peace might in any case issue an Attachment, this Assembly have thought fit to Declare, That in case of Suspicion of any Person's Intentions to remove out of the County where he dwells, either to conceal himself in the Country, or withdraw himself out of the Country, whereby the ordinary Proceedings at Law cannot be had against them, it is and may be lawful for any Justice of Peace to issue out an Attachment against so much of the Estate of the said Person so suspected to remove, as by the Claim made shall in his Judgment appear due to the Creditor; Repleviable by Security given, or Appearance at the next Court: Provided, that the said Justice take sufficient Security, of him that desires the Attachment, to pay the Damages the Court shall award to the Defendant, in case the Plaintiff be cast in the Suit.

An Act Repealing the Act for defraying the Encouragement for killing of Wolves, by a Tax upon Horses. Nº 2. Repeal'd, 1676-7.

An Act prohibiting the Sale of Arms to the Indians. Nº 3. Repeal'd, 1691.

An Additional Act for better restraining the Exportation of Hides. Nº 4. Repeal'd, 1671.

An

A.D. 1665.

No 5. **An Act concerning the Intent of some former penal Acts.**

WHereas certain Doubts have arisen in giving Judgment upon a penal Law, as stealing of Hogs, taking away of Boats, and the like, where several Persons may be Actors in committing the same Offence, *viz.* Whether the Penalties imposed are to be levied upon all the Actors in general, and the Payment of the Penalty specified in the Act by any one, should acquit the rest, or else Judgment pass for the intire Sum against every particular and individual Offender: Be it Enacted, for the better deterring People from committing such Offences, That in all such Cases every particular Offender may be singly prosecuted, and have Judgment passed against him for Payment of the whole Sum.

AND because the Laws have been silent in prescribing any way to punish Servants guilty of the Breach of such Acts, where Freemen are to pay a Fine, of which they are, during their Service, wholly incapable, and might be encouraged to attempt it, should their Punishment be respited until their time of Service is expired: Be it therefore Enacted, That in all Cases, where a Freeman is punishable by a Fine, a Servant shall receive Corporal Punishment, *viz.* For every Five hundred Pounds of Tobacco Twenty Lashes, and so many such several Punishments as are Five hundred Pounds of Tobacco included in the Fine, unless their Master, or other Acquaintance, will redeem them, by making Payment.

AND it is further Enacted, That if any Person shall, by Procurement of the Servant upon Promise and Agreement for future Service, pay the Fine, or release him from Punishment, such Agreement made shall, notwithstanding the Coverture, bind such Servant to Performance, after his Time by Indenture is expired; and further, that the Master shall have like Remedy against the Servant, in case of his trespassing against him.

No 6. **An Act concerning the Bounding of Counties and Parishes.**

WHereas there is a Law, that binds us to the Bounding of our Lands; Be it Enacted by this Grand Assembly, and the Authority thereof, That the same Law be in Force to the Bounding of our Counties and Parishes.

No 7. Obsolete. **An Act Repealing the Act of Ten Shillings per Hogshead.**

No 8. **An Act concerning the Indians.**

WHereas, at a Grand Assembly held at *James-City* the Tenth of *September*, One thousand six hundred sixty three, it was Provided, That where any Murder was committed by the *Indians* upon the *English*, the next Town of *Indians* was to use their utmost Endeavour for the bringing in and discovering the Actors and Doers thereof: And in Regard the said Act was only limited

I upon

upon the Northern *Indians*, this Grand Assembly have thought fit to Enact; and be it Enacted, That the said Law be made a general Law against all *Indians* whatsoever; and where any Murders be committed upon the *English*, the next Town is to use all their Care and Diligence in finding the Doers and Actors of the Murders. A.D. 1665.

And be it further Enacted, That if any *Englishman* be murdered, the next Town shall be answerable for it, with their Lives or Liberties, to the Use of the Publick; and that the Honourable the Governor be humbly requested forthwith to impower such Persons, as his Honour shall think fit, in each County, on such Occasions, for putting the said Law into immediate Execution, and that it be made known to all *Indians* whatsoever, by those Persons so commissionated, within Two Months after the said Law is in Force.

And be it further Enacted by this Grand Assembly, That the said *Indians* shall not have Power within themselves to elect or constitute their own *Werowance*, or chief Commander, but the present Honourable Governor, and his Successors, from time to time, shall constitute and authorize such Person, in whose Fidelity they may find greatest Cause to repose a Confidence, to be the Commander of the respective Towns; and in case the *Indians* shall refuse their Obedience to, or murder such Person, then that Nation of *Indians* so refusing or offending, to be accounted Enemies and Rebels, and be proceeded against accordingly.

And whereas the careless Manner of the *English*, in going unarmed to Churches, Courts, and other publick Meetings, may probably in time incite the *Indians* to make some desperate Attempt upon them: It is further Enacted, That the Honourable Governor be requested to issue his Commands to the Officers of the Militia, to take Care to prevent the same.

And it is further Enacted, That any Person or Persons, that shall harbour, entertain, or employ any *Indian*, shall be fined Five thousand Pounds of Tobacco, or suffer One Year's Imprisonment without Bail or Mainprize; unless such as shall give sufficient Security to the County Court, and upon such Security obtain a Certificate from the said Court, and upon that Certificate a Licence from the Governor.

And whereas, by the former Articles of Agreement, it was Provided, That no *Indians*, which are seated on the South-side of *James-River*, should come over the *Black-water*, or the Southern Branches thereof; It is hereby Enacted, That the said Southern Branches of *Black-water* be, from the Head of those Branches to the present *Apamatuck Indian* Town, and thence cross the River by a continued Line, to the present *Monakin Indian* Town, be the Bounds of the *Indians* on the South-side of *James-River*.

An Act concerning the Building a Fort.

No 9. Obsolete.

An Act preparatory to a Stint or Cessation.

No 10. Repeal'd, 1666.

upon the Northern Indians, this Grand Assembly have thought fit to Enact, and be it Enacted, That the said Law be made a general Law against all Indians whatsoever; and where any Murders are committed upon the English, the next Town is to use all their Care and Diligence in finding the Doers and Actors of the Murders. A. D. 1665.

And be it further Enacted, That if any Englishman be murdered, the next Town shall be answerable for it, with the Lives or Liberties, to the Use of the Publick, and [illegible] Execution [illegible] required [illegible] with [illegible] in each County, or [illegible] for putting the said Law [illegible] in execution, and that [illegible] Commission [illegible]

[illegible]

[illegible] to [illegible] may [illegible] there [illegible] Indians [illegible] to the

[illegible] that [illegible] about, [illegible] thousand Pounds of [illegible] Majesty's [illegible] County Court, and upon such [illegible] the [illegible] and upon that Certificate a [illegible]

[illegible] Agreement, it was Provided, That no Indians [illegible] on the South-side of James-River, should come over the [illegible] the Southern Branches thereof; It is hereby [illegible] That the said Southern Branches of Black-water [illegible], from the Head [illegible] Branches to the present Nottoway Indian Town, and thence cross [illegible] by a continued Line to the present Monakin Indian Town, be the [illegible] of the Indians on the South-side of James-River.

An Act concerning the Building a Fort. No 9. Obsolete.

An Act preparatory to a Stint or Cessation. No 10. Repeal'd, 1666.

At a Grand Assembly holden at *James-City* the 5th Day of *June*, 1666, and in the Eighteenth Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for a Cessation. No 1. Expired.

An Act concerning Tenders of Tobacco. No 2.

WHEREAS it hath been, and still is the constant Endeavours of this Assembly, to give all possible Encouragement to Merchants and Traders into this Colony, and hath hitherto left the receiving and refusing their Debts to their own Discretions, without other Restriction to them, or Liberty to the Planter, than this, that if by the last of *January* the Creditor did not demand his Tobacco, it might then be lawful for the Debtor to dispose of it, leaving the Debtor still liable to be sued that Year for Security for his Debt, upon which divers Persons, for their private Advantage, did omit the demanding of the Tobacco in Time, and thereby rendred the Planter incapable of disposing of his Tobacco, or clearing himself from his Engagements: For Redress of which Inconveniencies, Be it Enacted by the Governor, Council, and Burgesses of this Assembly, and the Authority thereof, That if the Creditors refuse or omit to demand and receive their Tobacco by the last of *January*, that then it shall be lawful for the Debtor, at any time between that and the Twentieth of *February*, to address himself to the Two next convenient Justices of the Peace, who are hereby required and impowered to appoint Three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco, and if they find it legally Merchantable, whether old or new, then to weigh and mark it for the Use of the Creditor, on whose Account the Tobacco so viewed and approved, as aforesaid, shall after lie, the Debtor still endeavouring to secure it, as before the Tender, and the Debtor, upon producing Certificate of the said Tender from the said Justices to the next Court, that Court shall, by their Order, discharge the Debtor from his Debt, provided the Tender be made in place according to Specialty. *A.D.* 1666.

AND

A.D. 1666. And it is further Enacted by the Authority aforesaid, That in case of Difference between the Debtor and Creditor, or his Attorney, if either of them be present, whether the Tobacco tendred be Merchantable or not, that then Two Commissioners, as aforesaid, are hereby impowered to appoint a third Person, as an indifferent Umpire, to determine the Difference between them.

No 3. Repeal'd, 1684.

An Act altering the Day of the General Court.

No 4. Obsolete.

An Act for Repealing the Act preparatory to a Stint.

At a GRAND ASSEMBLY holden at *James-City* by Prorogation, from the 5th of *June*, 1666, to the 23d of *October*, 1666.

An Act for a Cessation. №. 1. Expired.

An Act shewing how Debts are to be paid the Cessation-Year. №. 2. Ditto.

An Act for Valuation of Commodities for Payment of publick Dues. №. 3. Ditto.

An Act for Rating of Ordinary-Keepers. №. 4. Repeal'd, 1671.

An Act ascertaining Surveyors Fees. №. 5.

WHEREAS the Act concerning the Fees of Surveyors, by reason of the low Rates set therein, which seems to have been first made above Twenty Years since, when Tobacco bore a greater Value than can now be expected, deters any Man of Parts, Ability, or Integrity, from exercising the said Functions; in the faithful and well Discharge whereof, the Peace and Possession of the Inhabitants of this Country are so much concerned, and yet for want of a Penalty therein expressed, leaves a Liberty to every one to extort from the People what Sums they please: Be it therefore Enacted by this Grand Assembly, and the Authority thereof, That for Encouragement of able Men in that Science to practise the same, that the Fees limited in that Act be A.D. 1666.

 doubled,

A.D. 1666. doubled, *viz.* Forty Pounds of Tobacco for measuring of every Hundred Acres of Land, if the whole Dividend exceed not, or amount to One thousand Acres; but if under that Quantity, then Four hundred Pounds of Tobacco; and for the same shall deliver an exact Plot of the Land surveyed: And if any Surveyor, upon reasonable Demands, not being by Sickness, or other lawful Impediment, hindred, shall refuse to measure the Land of any Person whatsoever, for the Consideration and Satisfaction aforesaid, every such Surveyor shall be fined, and pay for such his Refusal, Four thousand Pounds of Tobacco, and for exceeding the Fee, Two hundred Pounds of Tobacco for every Hundred Acres, Half to the Party injured, the other Half to the Informer, to be recovered by Action of Debt in any Court of Judicature in *Virginia*; but if the Surveyor go further from Home than he can return in a Day, then such Satisfaction to be allowed him, as by the former Act is provided.

No 6. Obsolete.

An Act Repealing the Act of Encouragement for killing Wolves.

No 7. Ditto.

An Act concerning the Salt-work at Accomack.

No 8. Repeal'd, 1671.

An Act concerning Indians.

No 9. Provided for.

An Act for Supply of Ammunition.

No 10. Repeal'd, 1684.

An Act for setting up of Looms in each County.

No 11.

An Act imposing a Fine for entertaining Run-aways.

WHereas divers ill-disposed Persons, not valuing the Fine imposed by Act, which, by the Inconsiderableness thereof they think not worth the Pains or Charge of Recovery, do harbour and give Entertainment to loitering Run-away Servants, for Two or Three Days or more, thereby encouraging the said Servants in such lewd Courses: For Prevention whereof, Be it Enacted by the Authority of this Grand Assembly, That what Person soever, contrary to the Act in Force, shall harbour or entertain any such Run-away

away Servant, ſhall be fined and pay Sixty Pounds of Tobacco, for each Day and Night he ſhall ſo harbour them, to be recovered by the Maſter or Owner of the ſaid **Servant**, by **Action of Debt in any Court of Judicature** in this Country, this Act extending only to thoſe Servants that ſerved by their firſt Indenture. *A.D.* 1666.

An Act concerning Servants coming in without Indentures. No 12.

WHereas the preſent Act in Force, preſcribing how long Servants coming in without Indentures ſhall ſerve, enjoyns all Servants, adjudged by the Courts to be Sixteen Years of Age, to ſerve but Five Years, and all under, to ſerve until they be Twenty four Years old; by which Inequality a Servant, if adjudged never ſo little under Sixteen Years, pays for that ſmall Time Three Years Service; and if he be adjudged more, then the Maſter loſes the like: Be it therefore Enacted, That the ſaid Act be from henceforth altered and amended, *viz.* That all Servants, coming in without Indentures, after the Expiration of this Seſſion of Aſſembly, ſhall ſerve according to their Age, *viz.* if adjudged Nineteen Years or above, then to ſerve Five Years; if under that Age, then to ſerve ſo many Years as he wants of Twenty four, when his Age is adjudged by the Court; and that every Maſter, intending to claim the Benefit of this Act, is hereby required, within Two Courts at furtheſt, after he hath bought or imported a Servant, as aforeſaid, to carry him to the Court, who, by a preſent Inſpection at that time, will be beſt enabled to paſs Judgment upon the Matter.

An Act for Criminals to bear their own Charges. No 13.

WHereas the Charge of proſecuting criminal Perſons hath been hitherto uſually defrayed, part by the Publick, but moſt by thoſe Counties where the Offenders dwelt, or the Fact was committed; For Avoidance of which Charge, it is probable that many lewd Livers, by a too favourable Cenſure, eſcape their deſerved Puniſhment, **Be it therefore Enacted by this** Grand Aſſembly, and the Authority thereof, That where the Perſon committed hath Eſtate ſufficient to defray the Charge of his Proſecution, the Publick or County ſhall nor be charged, but the whole paid out of the Delinquent's Eſtate, and the Publick and County only then liable to ſatisfie, where no Eſtate or not ſufficient can be found and diſcovered.

An Act of Diſpenſation for Lower Norfolk *to ſhip their Tobacco.* No 14. Private.

An

A.D. 1666.

No 15. Obsolete.

An Act Repealing the Acts of Encouragement.

No 16.

An Act for Millers to grind according to Turn.

WHereas divers Owners and Keepers of publick Mills in this Country, do refuse to grind Corn according to Turn, for the Reward and Toll already set and appointed by Act: Be it therefore Enacted by this present Grand Assembly, and the Authority thereof, That what Person soever, Master, Owner, or Lessee of any Mill, shall hereafter refuse to grind, as aforesaid, shall be fined and amerced One thousand Pounds of Tobacco for every such Offence; and if the Miller so refusing be a Servant, he shall be punished at the Discretion of the County Court where the Offence shall be committed and complained of, unless the said Servant can prove, that what he did was done by Order of the Master; which Fine shall be recovered, by any Person injured, by Action of Debt in the Court of that County where the Offence was committed.

No 17.

An Act including Sheep in the Lxxvii *Act.*

WHereas the Seventy seventh Act [*An.* 1661.] concerning the Insufficiency of Fences, prohibits any Injury to be done to several sorts of Beasts and Cattle, among which Sheep are not included; It is Enacted hereby, That from henceforth Sheep shall be comprehended in the said Act, and Damages recovered for any Injury done to them, by virtue of the Act aforesaid, as for other Cattle it is there provided.

No 18.

An Act ascertaining Damages upon Protested Bills of Exchange.

WHereas it appears, that many Bills of Exchange, drawn upon Persons in *England* by People resident in this Country, in Confidence that the Goods by them sent, might produce Effects sufficient to satisfie them; which Expectation being frustrated, sometimes by the miscarrying of the Ship, sometimes by not Sale of the Goods, or Pretence thereof, by the Party on whom they were drawn, causes the said Bills to be protested, and by the great Damage of Thirty *per Cent.* given by Act against the Party that charged them, is found to tend much to the Detriment and Prejudice of the Inhabitants of this Country: It is therefore Enacted by this Grand Assembly, and the Authority thereof, That from henceforth the Damage upon Bills of Exchange protested, shall not exceed Fifteen *per Cent.* and that the former Act, giving Thirty *per Cent.* be hereby repealed and made void.

An

A.D. 1666.

An Act declaring that no Justice shall take Fee. No 19.

WHereas there is an Act, intended for the Relief of poor People, that Causes, not exceeding the Value of Twenty Shillings Sterling, or Two hundred Pounds of Tobacco, might be determined by a Justice of Peace without further Suit; and whereas Complaint hath been made, that some of the said Justices have, contrary to the good Intent of the said Act, exacted Fees from the Parties coming before them for Justice, to a greater Value than the Thing sued for amounted to: It is Enacted by this Grand Assembly, and the Authority thereof, That it shall not be lawful for any Justice of the Peace to receive of any Person any Fees for any Cause or Matter brought before him, or determined by him.

An Act declaring what is meant by Seating of Land. No 20. Provided for.

An Act concerning imperfect Patents. No 21.

WHereas the Honourable *Thomas Ludwell*, Esq; hath informed the Assembly, that he finds in the Records many Patents for great Parcels of Land, for which there appears not any Rights upon Record; and further, that divers Patents have been issued, and no Records of them extant; upon which the Assembly taking the Premises into serious Consideration, as also the great Trouble and Prejudice that may ensue to divers honest Inhabitants of this Country, in asserting their Titles, though in Truth never so good, yet by these Neglects of the Clerks, rendred, in Strictness of Law, altogether invalid: For Remedy whereof, the Governor, Council, and Burgesses of this present Grand Assembly, have Enacted, and it is by the Authority thereof Enacted and Ordained, That for the Preservation of all present Titles, and Prevention of future Trouble, that all Lands held by former Patents, of which there is no Record extant, or to which there are no Rights annexed in the Records, until the Date of this present Assembly, shall for ever be held valid and firm, according to the Claims of the several Patents, those Defects being found to have happened by Neglect of the Clerk in those Times, in not making present Entry of the Rights delivered to them, and the Casualty of Two several Fires, whereby many of those Rights, with other Papers, were destroyed, the Assembly hereby rendring Thanks to Mr. Secretary, for his Care of preventing future Trouble, and requesting him to continue it, in not suffering any Patent hereafter to pass the Office, before the Rights are entred, and the Patent compared with the Record.

An Act commanding Law Books to be provided for each County. No 22.

WHereas, for the better Conformity of the Proceedings of the Courts in this Country to the Laws of *England*, it appears necessary, that for the better Direction therein all the former Statutes at large, and those made since the Beginning of the Reign of His most Sacred Majesty that now is, and

A.D. 1666. some other esteemed Books of Law, should be purchased: It is therefore, by the Grand Assembly, and the Authority thereof, Enacted accordingly, That all the aforesaid *Statute-Books*, and Dalton's *Justice of the Peace*, and *Office of a Sheriff*, and Swinburn's *Book of Wills and Testaments*, be sent for by Mr. Auditor, for the Use of the General Court and Assembly, to keep at *James-City*, and paid for out of the Two Shillings *per* Hogshead, and that the like Books be sent for by some of the Commissioners of the several County Courts, for the Use of the respective Counties, and paid for out of the County Levy.

No 23. *An Act imposing Fines on Refractory Persons.*

WHereas the Officers of the Militia have complained, that divers refractory Persons have, in Contempt of the Authority impowering them, and to the Ruin of all Military Discipline, refused to appear upon the Days of Exercise, and other Times, when required to attend upon the publick Service: It is Enacted by this Grand Assembly, That every Person neglecting to appear, shall, for every such Neglect, be amerced and fined One hundred Pounds of Tobacco, to be disposed of by the Militia for the Use of the Regiment, and that the Commander's Return of such Fines to the Sheriffs of the respective Counties, shall be a sufficient Warrant, in case of the Party's Denial of Payment, to levy the same by Distress: Provided, that if before the laying of the Levy the Party amerced do shew to his Commander such Cause of his Absence, as by the Commander shall be adjudged reasonable, then the Party to be excused, and the Fine not returned.

No 24. *An Act for the better Explanation of the* XVI *Act in the Printed Book.*

WHereas the Sixteenth Act for Sheriffs to take Bail, was misprinted, and some Words left out: It is Enacted, That for Prevention of Mistakes in Courts of Judicature, a Copy be transcribed out of the Original, for Correction of the Error in the Printed Book, which followeth; Be it also hereby Enacted, That all Sheriffs shall take sufficient Bail of all Persons arrested, with this Condition, to bring forth the Party arrested, or perform the Award of the Court; and if they shall neglect to take sufficient Bail of the Party arrested, or otherwise consent to be the Cause of his Escape, then the said Sheriff shall be liable to pay the Award of the Court himself, and shall also pay, in case the Consent to the Escape be proved, One thousand Pounds of Tobacco, one Half to the Publick, the other Half to the Party grieved, for his Delay in recovering the Debt; but if Bail be taken, and the Party appears not to answer, then Judgment shall be awarded against the Bail: Always Provided, That the Sheriff or Bail shall, if he desire it, have an Attachment against the Estate of the Party arrested, and not appearing; and further, that if the Sheriff or Bail shall, at the next Court to that to which the Arrest was made, appear, and bring forth the Body of the Party so arrested to answer the Suit, then the Sheriff or Bail shall be acquitted from the Judgment past against them.

At

At a GRAND ASSEMBLY holden at *James-City* the 23[d] Day of *September*, 1667, and in the 19th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for Tobacco of Maryland *Growth, to be free from Duties.* No 1. Obsolete.

An Act declaring that Baptism of Slaves doth not exempt them from Bondage. No 2.

WHEREAS some Doubts have arisen, whether Children, that are Slaves by Birth, and by the Charity and Piety of their Owners, made Partakers of the Blessed Sacrament of Baptism, should by Virtue of their Baptism, be made free: It is Enacted and Declared by this present Grand Assembly, and the Authority thereof, That the conferring of Baptism doth not alter the Condition of the Person, as to his Bondage or Freedom, that divers Masters, freed from this Doubt, may more carefully endeavour the Propagation of Christianity, by permitting Children, though Slaves, or those of greater Growth, if capable, to be admitted to that Sacrament. A. D. 1667.

An Act for Encouragement for erecting Mills. No 3.

WHereas it would conduce much to the Conveniency of this Country, both for grinding of Corn, and of nearer Roads, if Mills were erected at convenient Places, which divers Persons would willingly do, if not obstructed by the Perverseness of some Persons, not permitting others, though not willing themselves, to promote so publick a Good: It is Enacted by this Grand Assembly, and the Authority thereof, That if any Person, willing to erect

A.D. 1667. erect One or more Mills upon convenient Places, hath Land only on one side the said Place, and the Owner of the Land on the other side shall refuse to let him have an Acre of his Land to the Use aforesaid, that then the County Court, upon the Request of the Party so refused, shall order and impower Two of their Commissioners, or such other credible Persons, as they shall think fit, to view the said Land, and if it take not away Housing, Orchards, or other immediate Conveniencies, then to value the said Quantity of Land, and to put the same into the Possession of the Party building the said Mill or Mills, he paying the Consideration the Land is valued at.

AND it is further Enacted, That like Liberty shall be granted for Two Acres of Land, and no more, for erecting Churches, or Court-houses; Provided, that in case of Desertion of any such Structure, the Land shall revert to the first Proprietor, he paying what he received for it.

No 4.

An Act for Roads to Houses.

WHereas the Dispatch of Business in this Country is much obstructed for want of Bridle-ways to the several Houses and Plantations; It is Enacted by this Grand Assembly, and the Authority thereof, That every Person having a Plantation, shall, at the most plain and convenient Place that leads to his House, make a Gate in his Fence, for the Convenience of Passage of Man and Horse to his House about their Occasions, at Discretion of the Owners.

No 5. Expired.

An Act against Exportation of Corn.

No 6.

An Act for Rating of Ordinary-Keepers.

WHereas most Persons, having Business at General or County Courts, are so exacted upon by the excessive and exorbitant Rates imposed by Ordinary-Keepers on their Diet and Drink, that many times, terrified by the Charge, they are forced either to desist from prosecuting their just Claims, or ruin themselves by the Charge: The Remedy whereof having been oftentimes endeavoured, and this Assembly resuming it into their Consideration, have thought fit to Enact, and be it Enacted by this present Grand Assembly, and the Authority thereof, That no Ordinary-Keeper shall have Licence granted him to keep an Ordinary to sell Victuals or Drink, before they have given Bond, with good Caution, not to sell either Victuals or Drink at greater Rates than hereafter mentioned; Diet for Master, Fifteen Pounds of Tobacco *per* Meal; for Servants, Ten Pounds of Tobacco *per* Meal; Lodging for either, Five Pounds of Tobacco *per* Night; *Spanish* or *Portugal* Wine *per* Gallon, Ten Shillings, or One hundred Pounds of Tobacco; *French* Wine *per* Gallon, Eight Shillings, or Eighty Pounds of Tobacco; Brandy, *English* Spirits,

Spirits, or *Virginia* Drams, *per* Gallon, Sixteen Shillings, or One hundred and sixty Pounds of Tobacco; Rum *per* Gallon, Ten Shillings, or One hundred Pounds of Tobacco; Beer *per* Gallon, Four Shillings, or Forty Pounds of Tobacco; Cyder or Perry *per* Gallon, Two Shillings and Six Pence, or Twenty five Pounds of Tobacco; these last having the greater Rates, to encourage any thing that is the Produce of the Country. And if any Ordinary-Keeper, in Contempt of this Law, shall presume to sell at greater Rates than aforesaid, he shall, upon Complaint and Proof thereof, pay for his first Offence One thousand Pounds of Tobacco, for the second have his Licence taken away, and forseit the Penalty of his Bond, one Half to the Informer, the other Half to the Use of the County. A.D. 1667.

An Act for Forts to be built in each River.

No 7. Effected.

At a GRAND ASSEMBLY holden at *James-City* by Prorogation, from the 23^{d} of *September*, 1667, to the 17th of *September*, 1668, and in the 20th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for Establishing a Fast.

No 1. Expired.

An Act for Dispensation of Ships riding under the Forts.

No 2. Obsolete.

An Act concerning Damages in Appeals.

No 3. Repeal'd, 1696.

An Act about Correction of Run-aways.

No 4.

A.D. 1668.

WHEREAS it hath been questioned, whether Servants running away may be punished with Corporal Punishment by their Masters or Magistrate, since the Act already made gives Satisfaction to the Master, by prolonging their time of Service: It is Declared and Enacted by this Assembly, That Corporal Punishment, moderately inflicted on a Run-away Servant, by Master or Magistrate, shall not deprive the Master of the Satisfaction allowed by the Law, the one being as necessary to reclaim them from further persisting in that idle Course, as the other is just to repair the Damages sustained by the Master.

An

A. D. 1668.

№ 5. Obsolete. *An Act impowering County Courts to build Work-houses, assisted by the Vestry.*

№ 6. Ditto. *An Act permitting the Exportation of Horses and Mares.*

№ 7. *An Act continuing the Tax on Negro Women.*

WHereas some Doubts have arisen, whether Negro Women set free, were still to be accounted Tythables, according to a former Act; It is Declared by this Grand Assembly, That Negro Women, though permitted to enjoy the Privilege of their Freedom, yet ought not in all Respects to be admitted to a full Fruition of the Exemptions and Immunities of the *English*, and are therefore still liable to Payment of Taxes.

№ 8. *An Act concerning the Property of Tobacco.*

WHereas some Questions have been made, whether Weighing, or Marking, or both, transferred the Property of Tobacco, some Persons having, both by Weight and Mark, received, and yet by the Alteration of their own Occasions, have after refused the Tobacco so received, and upon Pretence of Non-acceptance (having the Specialty still in their Hands) have recovered Judgment for Sums that justly were discharged: Therefore be it Enacted by this present Grand Assembly, and the Authority thereof, That Marking alone, being the usual way of appropriating all things, without Weighing, doth transfer the Property of Tobacco to him that sets, or causes to be set, his Mark upon it; and that for ascertaining the Sum paid, if the Receiver have not Convenience to weigh it, when he marks it, then he that pays it away may, after Ten Days Respit, desire any Commissioner of that County to weigh the Tobacco, or cause it to be weighed, and the Attestation of the said Commissioner, or Oath of the Person or Persons by him deputed, shall oblige the Creditor to discount, or allow the Quantity.

An

A.D. 1668.

N° 9.

An Act for Restraint of Tipling-houses.

WHereas the excessive Number of Ordinaries and Tipling-houses, set up for the Advance of a private Gain, are found to be full of Mischief and Inconvenience, by the cherishing Idleness and Debauchedness in a sort of loose, careless Persons, who, neglecting their Calling, mispend their Time in Drunkenness, and having once contracted Debts beyond their Ability of Payment, make Escape out of the Country, to the Detriment of the Publick, the Loss of their particular Creditors, and often to the Charge of the Parish where they lived: Be it Enacted and Declared, That the Commissioners of each County Court be required to take especial Care for the Suppressing and Restraint of the exorbitant Number of Ordinaries and Tipling-houses in their respective Counties, and not to permit in any County more than One or Two, and those near the Court-house, and no more, unless in publick Places, as Ports, Ferries, and great Roads, where they may be necessary for the Accommodation of Travellers, according as the several Courts shall find the Necessity of their Counties require: And further, that the said Commissioners take good Security for those, to whom Licences are granted, to conform themselves to the Laws; and that all Persons, keeping Tipling-houses without Licence, shall be fined Two thousand Pounds of Tobacco, Half to the County, half to the Informer, for each Time he offends.

A.D. 1668.
No. 6.

An Act for Restraint of Tipling-houses.

WHereas the excessive Number of Ordinaries and Tipling-houses, set up for the Advantage of a private Gain, are found to be full of Mischief and Inconveniency, by the encouraging Idleness and Debauchedness in a sort of loose careless Persons, who, neglecting their Calling, mispend their Time in Drunkenness, and having once contracted Debts beyond their Ability of Payment, make Escape out of the Country, to the Detriment of the Publick, the Loss of their particular Creditors, and often to the Charge of the Parish where they lived: Be it Enacted and Declared, That the Commissioners of the several County Courts be required to take especial Care for the Suppressing and Restraint of the exorbitant Number of Ordinaries and Tipling-houses in their respective Counties, and [illegible] County more than One or Two, and those near the Court-house [illegible] in public Places, [illegible] modation of Travellers, [illegible] as the [illegible] the Necessity [illegible] and Country; and the said Commissioners to take good security [illegible] Licences [illegible] to the Laws [illegible] without Licence, shall be fined [illegible] Pounds of Tobacco, half to the County, half to the Informer, [illegible]

At a GRAND ASSEMBLY holden at *James-City* by Prorogation, from the 17th of *September*, 1668, to the 20th of *October*, 1669, in the 21st Year of the Reign of our Sovereign Lord King *Charles* II.

An Act about the casual killing of Slaves. No 1.

WHEREAS the only Law in Force for Punishment of refractory Servants resisting their Masters, Mistresses, or Overseer, cannot be inflicted on Negroes, nor the Obstinacy of many of them, by other than violent Means suppressed: Be it Enacted and Declared by this Grand Assembly, and the Authority thereof, That if any Slave resist his Master, or others by his Master's Order, correcting him, and by the Extremity of the Correction should chance to die, such Death shall not be accounted Felony, but the Master, or that other Person by his Master appointed to punish him, be acquit from Molestation, since it cannot be presumed, that prepensed Malice, which alone makes Murder Felony, should induce any Man to destroy his own Estate.

An Act against the Importation of Horses and Mares. No 2.

WHereas the last Assembly, partly to restrain the numerous Increase of Horses, now growing rather burthensom than any way advantagious to the Country, partly to encourage Trade, did permit that Mares might be exported, this Assembly taking Care, that both the Ends aforesaid might be advanced, have Enacted, and do by these Presents Enact, That no Horses or Mares, after the last of *December* next, shall be, by any Person or Persons, imported or brought into this Colony from any other Plantation or Government whatsoever; and that if any Person or Persons shall, contrary to the Intent of this Act, by any Ways or Means bring into this Country any Horse or Mare after the last of *December* aforesaid, the Sheriff of that County, into which they shall be brought, is hereby strictly required and enjoyned to make present Seizure of the said Mares or Horses for the Use of the Publick, and to render an Account thereof to the next Assembly, and out of the Value the Moiety thereof to be allowed to the Informer. *A.D.* 1669.

A.D. 1669.

№ 3. *An Act for Re-examination of Orders in the County Courts.*

WHereas the Twenty second Act of Assembly, *March* the Twenty third, One thousand six hundred sixty one, prescribes a way of Re-examination of Orders in the General Court, but no Mention made of the County Courts; It is hereby Enacted, That the Course that Act prescribes for the General Courts, shall be strictly observed in the County Courts; and the County Court omitting, according to that Act, to re-examine and sign their Orders, shall be fined for each Omission One thousand Pounds of Tobacco, whereof the Sheriff shall give Account to the next Assembly, who are to dispose the same to the Use of the Publick.

№ 4. *An Act for the Fee of a* Dedimus potestatem.

WHereas the Act, granting the taking out Commission of *Dedimus potestatem*, omitting the Fee, hath caused great Extortions in divers Clerks; It is Enacted, That a Fee for a *Dedimus*, issuing from the General Court, shall be ascertained at Fifty Pounds of Tobacco, and in the County Court at Twenty five Pounds of Tobacco, each Commission.

№ 5. *An Act for freeing* Virginia *Owners from Castle Duties.*

WHereas the Act for Encouragement of *Virginia* Owners exempts them from Payment of Two Shillings *per* Hogshead, It is hereby Enacted, That they be also exempted from paying the Castle Duties, for their greater Encouragement.

№ 6. Obsolete. *An Act for Encouragement to make Silk.*

№ 7. *An Act for each County to send Two Burgesses.*

WHereas several Inconveniencies have arisen by the Act, giving Liberty to the Counties to chuse One or Two Burgesses at Discretion, as the retarding the Business of the House, when those single Burgesses are upon Committees, or have any Suit of their own, or Difference between divers Parishes in the Counties, or have their Appearance hindred by Sickness, or otherwise, in all which Occasions, the County that sends, or Part of it, are deprived of the Privilege of their Representative; It is Enacted, That each County, after this present Session, shall be enjoyned to return Two Burgesses, for the better Service of the Publick.

An

A.D. 1669.

An Act for Encouragement to apprehend Run-aways.

No 8.

WHereas divers good Laws have been made to prevent Run-away Servants, which have hitherto in great part proved ineffectual, chiefly through the Wickedness of Servants, who, at and before their Arrival, plot and contrive how they may free themselves from their Masters, by running away to Neighbour Plantations, and partly by the Remisness of some Planters, who are so far from apprehending these known Run-aways, that some of them have given them Assistance, and Directions how to escape, to the Ruin of many Masters of Families, who have not Servants enough left, whom they can trust, to follow and pursue those Run-aways; and others unconcerned, for want of a certain Reward, will not endeavour to apprehend and return them to their Masters: Be it therefore Enacted, That whosoever apprehends any Run-away, whether Servant by Indenture, Custom, or Covenant, not having a legal Pass from such in every County, as shall be appointed to give Passes, or a Note from his Master, shall have a Thousand Weight of Tobacco allowed him by the Publick; which Tobacco shall be repaid to the Publick, by the Service of the Servant, when free from his Master, and by the hired Freeman immediately after the Expiration of his Covenant, to the Man that apprehends him: And the great Good, which is hoped for by this Act, can be no Prejudice to any Man, nor to the Publick, who will insensibly disburse that which the poor Master is oftentimes not able to do; nor to the Servants, who, if they keep within the Bounds of their Duty, are no way damnified by the Severity of this Act; and 'tis hoped they will do so, when they know so many Spies are upon them.

AND be it further Enacted, That he that takes up such a Run-away, shall be hereby enjoyned to carry him before the next Justice, who is to take Cognizance of his good Service, and certifie it to the next Assembly, and then to deliver him to the Constable of the Parish where that Justice dwells, who is to convey him to the next Constable, &c. till he be delivered to his Master; and further, that each Constable, upon Receipt of such Run-away, give his Receipt; and if Escape be made from any Constable, to pay One thousand Pounds of Tobacco.

AND for the Reimbursement of the Tobacco to the Publick, disbursed to the Taker up, It is hereby Enacted, That the Court of that County, wherein the Servant served his Time, be impowered to make Sale of the Servant, and be accountable to the next Assembly, and this Sale to be made after all time of Service due to the Master by Indenture or Judgment is expired. And this Act being only an Encouragement for the Apprehender, doth not at all repeal the Clause of any Act, prescribing the Means of reimbursing the Charge expended in their Conveyance to the Master.

An Act for destroying of Wolves.

No 9. Repeal'd, 1670.

At a GRAND ASSEMBLY holden at *James-City* by Prorogation, from the 20th of *October*, 1669, to the 3d of *October*, 1670, in the 22d Year of the Reign of our Sovereign Lord King *Charles* II.

An Act concerning Run-aways. N° 1.

A.D. 1670.

WHEREAS the Act made the last Assembly, for Encouragement to apprehend Run-aways, hath seemed too burthensom to the Publick, by the greatness of the Sum there granted to the Takers of them up, and also deficient in some things very necessary for the Restraint of Run-aways: Upon Consideration whereof, It is Enacted and Ordained by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, That the former Act of *October*, One thousand six hundred sixty nine, be continued in its full Force; but the Sum of One thousand Pounds of Tobacco therein granted to the Taker of them up, shall be, and hereby is reduced to Two hundred Pounds of Tobacco, if the Run-away be found above Ten Miles from his Master's House, and One hundred Pounds of Tobacco, if found above Five Miles from his Master's House, to be paid by the Publick in the County where the Party dwells, if it can be, for every Servant of what Quality soever; and that the Servant, not being Slave (who are also comprehended in this Act) after the Expiration of his full Time due to his Master, shall serve any Person he shall be assigned to by the Assembly, or any Commissioners from them, the Term of Four Months for every Two hundred Pounds of Tobacco paid for him, the Assignee giving Commission to the said Commissioners to repay the Tobacco to the Publick; and the Commissioners receiving such Commission, to return it to the County Court, and the County Court to the Assembly.

AND that the said Run-away may be the more easily detected, It is further Enacted, That every Master, having a Servant that hath run away twice, shall be, and is hereby enjoyned and commanded to keep his Hair close cut, and that every such Master failing herein, shall be fined One hundred Pounds of Tobacco for every time the said Fugitive shall, after the second time, be taken up, Half to the Publick, Half to the Informer.

AND for the better preventing such Attempts, It is further Enacted, That every Constable, into whose Hands the said Fugitive shall, by any Commissioner's Warrant, be first committed, shall be, and is hereby enjoyned, by virtue of this Act, though omitted in the Warrant, to whip him severely, and then

to

A.D. 1670. to convey him to the next Constable towards his Master's House, who is to give him the like Correction, and so every Constable, through whose Precinct he passeth, to do the like.

And that Constables may be the more careful in their Office, It is further Enacted, That every Constable, into whose Custody the Run-away shall be committed, shall give a Receipt to the Constable, or Party he receives them from, to the End, that if the said Fugitive should, by Negligence of any Constable, make an Escape, such Negligence might be discovered, and for his Offence pay Four hundred Pounds of Tobacco, Half to the Publick, Half to the Informer; and the Fine in the former Act of One thousand Pounds of Tobacco, to be repealed.

And because such Run-aways, after the Expiration of their Time, may, by virtue of their Master's Certificate, remove from the Place they dwell in, and by such Concealment defraud the Publick of what hath been disbursed for him, It is further Enacted, That every respective Master, Owner of such Servants, indebted to the Publick, shall immediately, after the Time of such Servant is expired, deliver him to the next Justice, who is to deliver him to the next Sheriff, to be secured till the next County Court, there to be proceeded with as the Law directs, unless such Servant can procure sufficient Security to pay the Penalty laid on him by the Act; and that every Master, giving a Certificate before such Delivery of such Servant to the Justice, shall repay the Publick whatsoever hath been disbursed for the Recovery of his Servant during the Time he served him.

No 2. *An Act concerning Fences.*

WHereas the Act for Fences doth not sufficiently provide for Remedy of those many Damages done by unruly Horses breaking into Corn-fields, It is, by Authority of this Grand Assembly, Enacted, That the Owner of such Horses shall be, and is hereby required and enjoyned to take some effectual Course for restraining them from trespassing against their Neighbours, from the Twentieth of *July* to the last of *October* in every Year, it being much fitter, that rich Men, who have the Benefit of such Horses, should provide for their Restraint, than the Poor enjoyned to the Impossibility of very high Fences: And if any Horse or Horses shall at any time break into any Corn-fields, the Fence being Four Foot and half high, then the Owner of such Horse or Horses, upon Proof of the Damage, shall pay for the first Trespass single Damages, and for every Trespass after, double Damages, to the Party grieved.

And because Question hath been made about the Sufficiency of Fences, according to the former Act, enjoyning them to be close to the Bottom, It is hereby Declared, That being so close, as nothing, mentioned in the former Act, can creep through, is only by that Act intended.

No 3. *An Act for the Election of Burgesses, and by whom.*

WHereas the usual way of chusing Burgesses by the Votes of all Persons, who, having served their Time, are Freemen of this Country, who, having little Interest in the Country, do oftner make Tumults at the Elections, to the great Disturbance of His Majesty's Peace, than by their Discretions in their

Votes, provide for the Conservation thereof, by making Choice of Persons fitly qualified for the Discharge of so great a Trust: And whereas the Laws of *England* grant a Vote in such Elections only to such as, by their Estates Real or Personal, have Interest enough to tie them to an Endeavour of the publick Good; It is hereby Enacted, That none but Free-holders and House-keepers, who only are answerable to the Publick for the Levies, shall hereafter have a Voice in the Election of any Burgess in this Country, and that the Election be at the Court-house. A.D. 1670.

An Act for Lists of Tythables to be published. No 4.

WHereas many Endeavours have been used for Prevention of Frauds in taking the List of Tythables, It is hereby Enacted for the surer Discovery thereof, That at the next Court after the Tenth of *June*, in every County, the Names and Number of Tythables, in every List taken by the respective Justices, in their respective Precincts limited them, be taken by the Clerk of the County Court, and by him written and set up at the Court Door all that Court-Day, to the End, that if any Concealments have been made, the Persons living near them may discover them to the Court, and such Penalties be inflicted on them, as by the former Law is enjoyned.

An Act declaring no Indians *nor Negroes to buy Christian Servants.* No 5.

WHereas it hath been questioned, whether *Indians* or Negroes, manumitted or otherwise free, could be capable of purchasing Christian Servants; It is Enacted, That no Negro nor *Indian*, though baptized and enjoying their own Freedom, shall be capable of any such Purchase of Christians, but yet not debarred from buying any of their own Nation.

No 6.

An Act shewing how Certificates for Marriages shall issue.

WHereas Complaint hath been made, that divers Persons, to the defeating the Law, and defrauding Parents and Guardians of that natural Right and just Priviledge in disposing of their Children and Orphans in Marriage, have clandestinely procured the Clerks of other Counties, than that the Parents live in, to give them Certificates for Licences, and so the Parent, by the Inequality of the Match, dishonoured, and the Child ruinated in her Fortune: It is Enacted, That the Act for Licences to issue on Certificate from the Clerk of the County Court, be declared to extend to no other Clerk but of that County where the Maid, her Parents, or Guardian dwell; and that the Clerk of that County shall not grant any such Certificates without the Personal Consent of the Parent or Guardian, and that in every Certificate the Clerk shall expresly aver the same; and every Clerk, that shall grant them otherwise than afore expressed, to forfeit his Place.

A.D. 1670.

№ 7. *An Act concerning Litigious Suits.*

WHereas divers Litigious Suits are conceived merely out of Envy and Malice, to the Ruin of divers poor Men, by forcing them to a Neglect of their Domestick Affairs, and unnecessary Expences during their Attendance at General Courts: It is hereby Enacted, That in all Cases, where the Molestation shall be found to be unjust, the Party so molesting, without Cause, may be enforced to pay to the Party grieved, for every day he may be reasonably going to *James-City*, and returning Home, Thirty Pounds of Tobacco *per* Day; and for every Day of his Attendance to answer, Sixty Pounds of Tobacco *per* Day, besides his ordinary Nonsuit, allowed by a former Act, and Costs of Court.

№ 8. *An Act concerning Commissioners Warrants.*

WHereas it hath been doubted, whether the Warrant of any Commissioner be of Force to constrain a Constable of another County to prosecute by Hue and Cry, or to apprehend or convey Run-aways to the next Constable; It is hereby Enacted and Declared, That the said Warrant, directed first to a Constable within his own Precincts, and so from Constable to Constable, for avoiding Delay in such Pursuits, oblige every Constable, to whom it shall come, to the Observance and Performance of the Contents of this Precept.

№ 9. *An Act imposing a Penalty for not returning Two Burgesses.*

WHereas the Act for electing Two Burgesses for each County, for want of a Fine, hath not had that due Observance it ought; It is Enacted, That every County, not sending Two Burgesses to each Session of Assembly, shall be fined Ten thousand Pounds of Tobacco, to the Use of the Publick.

№ 10. Obsolete. *An Act for Repeal of the Act about Wolves.*

№ 11. Repeal'd, 1680. *An Act for the better Payment of Two Shillings* per *Hogshead.*

№ 12. Repeal'd, 1682. *An Act declaring who shall be Slaves.*

At

At a GRAND ASSEMBLY holden at *James-City* by Prorogation, from the 3[d] of *October*, 1670, to the 20th of *September*, 1671, in the 23[d] Year of the Reign of our Sovereign Lord King *Charles* II.

An Act prohibiting Millers the taking of more than One Eighth Part of English *Grain Toll for grinding thereof.* Nº 1.

A.D. 1671.

WHEREAS divers Complaints have been exhibited against the Greatness of Toll paid to Millers for grinding of Corn; For the Regulating whereof for the future, Be it Enacted and Ordained by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted and Ordained, That no Miller henceforward shall take for grinding of *English* Grain, more than One Eighth Part, and for grinding of *Indian* Corn, more than One Sixth Part, as formerly; and that every Miller exceeding herein, shall undergo such Fine and Penalty, as is imposed by a former Act, made at *James-City* the Twenty third of *October*, One thousand six hundred sixty six.

An Act permitting the Exportation of Wooll, Hides, and Iron. Nº 2. Obsolete.

An Act for moderating the Rates of Liquors. Nº 3.

WHereas, by an Act made the Twenty third of *September*, One thousand six hundred sixty seven, some Care was taken for moderating the Rates of Liquors sold by the Ordinary-keepers; but for encouraging the Productions of the Country, it was permitted to sell Beer at Four Shillings, or Forty Pounds of Tobacco, *per* Gallon; Cyder and Perry at Two Shillings and Six Pence, or Twenty five Pounds of Tobacco, *per* Gallon; *Virginia* Drams at Sixteen Shillings, or One hundred and sixty Pounds of Tobacco, *per* Gallon:

 It

A.D. 1671. It is by this Grand Assembly thought fit, That those Rates, as well as the Rates of other Liquors, be moderated; Be it therefore Enacted and Ordained by this Grand Assembly, and the Authority thereof, That the Price of *Spanish* Wine be Ten Shillings, or One hundred Pounds of Tobacco, the Gallon; *French* Wine, Eight Shillings, or Eighty Pounds of Tobacco, *per* Gallon; Brandy, *English* Spirits, or *Virginia* Drams, Ten Shillings, or One hundred Pounds of Tobacco, the Gallon; Beer, Cyder, or Perry, Two Shillings, or Twenty Pounds of Tobacco, the Gallon; Beer, if brewed with Mellasses, One Shilling, or Ten Pounds of Tobacco, the Gallon: And if any one, selling Liquors by Retail, shall presume to exceed these Rates, to suffer those Penalties provided and imposed by the former Act on this Behalf made and ordained.

N° 4.

An Act providing how Negroes, belonging to Orphans of Intestates, shall be disposed of.

WHereas, by the former Act concerning the Estate of Persons dying Intestate, It is Provided, That Sheep, Horses, and Cattle, should be delivered in kind to the Orphans, when they come of Age, according to the several Ages the said Cattle were of, when the Guardian took them into his Possession, to which some have desired, that Negroes might be added: This Assembly, considering the Difficulty of procuring Negroes in kind, also the Value and Hazard of their Lives, have doubted, whether any sufficient Men would be found, who would engage themselves to deliver Negroes of equal Ages, if the specifical Negroes should die, or become by Age or Accident unserviceable; Be it therefore Enacted and Ordained by this Grand Assembly, and the Authority thereof, That the Consideration of this be referred to the County Courts, who are hereby authorized and impowered either to cause such Negroes to be duly appraised, sold at an Outcry, or preserved in Kind, as they shall find it most expedient for the Preservation, Improvement, or Advancement of the Estate and Interest of such Orphans.

N° 5. Repeal'd.

An Act Repealing the Act making it Death for Indians *coming into* Henrico *County.*

N° 6.

An Act concerning the Sheriff's Fee for Arrests.

WHereas Complaint hath been made, that some Sheriffs extorted greater Fees for Arrests than were allowed by Law, *viz.* Twenty Pounds of Tobacco for Commitment and Releasement, whether the Person were imprisoned or not; It is Enacted and Declared by this Grand Assembly, That the just Fee for an Arrest is Ten Pounds of Tobacco, for the Bond Five Pounds of Tobacco, and not any thing for Commitment or Releasement, unless the Person were actually put into Prison.

N° 7. Private.

An Act of Naturalization.

At a Grand Assembly holden at *James-City* by Prorogation, from the 20th of *September*, 1671, to the 24th of *September*, 1672, in the 24th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for the Defence of the Country.

No 1. Expired.

An Additional Act concerning Orphans Estates.

No 2.

A.D. 1672.

WHEREAS the Sixty sixth Act of the Grand Assembly, holden at *James-City* the Twenty third Day of *March*, One thousand six hundred sixty one, hath laid down sundry Rules unto the County Courts, for the Management and securing the Estates of Orphans: Now, forasmuch as it hath been manifest to this Assembly, that some Courts, having endeavoured to dispose of some Estates of Orphans, according to that Act, have not found any Persons willing to take and secure them, in Manner and Form, as that Law requires, this Grand Assembly taking the same into Consideration, and desirous that such an Expedient might be provided, that in such like Cases, neither the Courts, nor the Orphans might be prejudiced, have thought fit that an Additional Act be made thereto: Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and by the Authority thereof, That it shall and may be lawful for the County Courts to dispose of Orphans Estates, according to the best of their Judgments, and Advantage of the Orphans, in such Cases where the said Courts cannot find Persons will take Orphans Estates, according to the afore-recited Act.

An Act concerning Tythables born in the Country.

No 3.

FOR the better Discovery of what Persons, born in this Country, are, and ought to be accounted Tythables, and the Ages of the younger sort the better known; Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and by the Authority thereof, That all Persons, who are ap-

A.D. 1672. pointed by the County Courts to take the Lists of Tythables in each County, shall take an Account of all Negro, Mulatto, and *Indian* Children, within their several Precincts; and the Masters or Owners of such Children are to make appear, upon Oath or Evidence, the Ages of them; and that all Negro, and Mulatto Children and Slaves, that shall be born in this Country, shall, by their respective Masters or Owners, within Twelve Months after their Births, be registred in the Parish Register, with their exact Ages; and in Default thereof, the said Master or Owner shall pay Levy for them for that Year, and so yearly till such Register be made.

And it is further Enacted by the Authority aforesaid, That all Negro Women, born in this Country, shall be accounted Tythable at Sixteen Years of Age.

No 4. *An Act limiting how long Accounts shall be Pleadable.*

FOR the Prevention and avoiding of many Suits and Controversies, it hath seemed convenient to this Grand Assembly to limit a Time, beyond which Accounts may not be Pleadable: Forasmuch also as there is a Law, which admits no Bills Pleadable after Five Years, Be it therefore Enacted and Ordained, and it is hereby Enacted and Ordained, by the Governor, Council, and Burgesses of this Grand Assembly, and by the Authority thereof, That Accounts shall not be Pleadable after Three Years by any Person living in this Country, and not after Five Years by any Person, that shall lay Claim by Accounts, out of this Country; this Act not relating any thing to the Act concerning Accounts against dead Mens Estates.

No 5. *An Act concerning Servants sold for the Custom.*

WHereas it hath been the Practice of many Servants, who have been sold for the Custom, after the Departure of the Ship, wherein they arriv'd, and Persons who sold them, to produce or pretend Indentures for shorter Time, whereupon Disputes have frequently arisen between the said Servants and their Masters: For Prevention whereof for the future, Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, That every Servant, who comes in presumable without Indenture, and so sold for the Custom, shall by his Master be brought before some Justice of the Peace, to declare whether he hath any Indenture, and if the Servant shall alledge he hath, but cannot as then produce it, the said Justice, in this Case, shall assign him one Month's Time, within which, if the Servant fail to produce it, he shall be barred from his Claim, by reason of any pretended Indenture whatsoever.

No 6. Provided for. *An Act concerning Masters of Ships and Collectors.*

An

A.D. 1672.

An Act for suppressing of Vagabonds, and disposing of poor Children to Trades. №7.

WHereas several wholsome Laws and Statutes have, by the Wisdom of several Parliaments of *England*, been made, and are in Force, as well for the Suppression of vagrant and idle Persons, as setting the Poor on Work; the Neglect of which Laws amongst us, hath encouraged and much encreased the Number of Vagabonds, idle and dissolute Persons: Be it Enacted, and it is hereby Enacted and Ordained, by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, That the Justices of Peace in every County do put the Laws of *England* against Vagrants, idle and dissolute Persons, into strict Execution, and that the respective County Courts shall be, and hereby are authorized and impowered to place out all Children, whose Parents are not able to bring them up Apprenrices to Tradesmen, the Males till One and twenty Years of Age, and the Females to other necessary Employments, till Eighteen Years of Age, and no longer; and the Church-wardens of every Parish shall be strictly enjoyned by the Courts, to give them an Account annually, at their Orphans Court, of all such Children within their Parish, as they judge to be within the said Capacity.

An Act for the Apprehension and Suppressing of Run-away Negroes and Slaves. №8. Expired.

An Act concerning Swamps and Marshes. №9.

WHereas several Inconveniencies may arise to many Inhabitants of this Country, who have Lands adjoyning to Swamps, Marshes, and sunken Lands unpatented, if any others, who are disjoyned from the same, may be admitted presently to take up and patent them; This Assembly, taking the same into their Consideration, and being willing that Mens very Conveniencies may be preserved to them, from which in this Case they need not depart but by their own Default, have Enacted and Ordained, and it is, by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, Enacted and Ordained, That it shall not be lawful for any Person whatsoever, to take up any Marshes, Swamps, or sunken Lands, adjoyning to any Man's Land, but shall first give Notice to the Owner or Owners of the Land to which it adjoyneth, who shall have One Year's Time to resolve whether he or they will take up the same, or not; and in case, at the Expiration of that Term, the Owner or Owners of the Land adjoyning to the said Marsh, Swamp, or sunken Land, shall then refuse to survey and patent the same, it shall then be lawful for the first Person, who gave Notice, as aforesaid, to survey and patent the same according to Law.

An

A.D. 1672.

No 10. ***An Act declaring how far Mens Notes are Pleadable against their Estates, if dead.***

WHereas it hath been controverted, whether Notes, charged on Persons by a Man in his Life-time, are Pleadable after his Decease; For Determination whereof, the Governor, Council, and Burgesses of this Grand Assembly have Enacted and Ordained; and it is, by the Authority aforesaid, Enacted and Ordained, That all such Notes shall be Pleadable, if, by comparing of Hands, or otherwise, it shall appear to have been the Act of the Decedent, and the Person who claimeth make Oath of the Justness thereof, and that he hath not received Satisfaction for the same, or any Part thereof: Provided always it be sued for within Twelve Months after the Party's Decease, and within Three Years at most after the Date of the Note.

No 11. Private. ***An Act for Naturalization of*** Joshua Moulder, ***&c.***

At

At a Grand Assembly holden at *James-City* by Prorogation, from the 24th of *September*, 1672, to the 20th of *October*, 1673, in the 25th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for the Establishing the Dowers of Widows. No 1.

A. D. 1673.

WHEREAS many Doubts have arisen concerning the Estates of Persons dying Intestate, and of what Part thereof ought to appertain to the Widow: For the clearing whereof, Be it Enacted by the Governor and Council, and Burgesses of this Grand Assembly, and the Authority thereof, That where Persons die Intestate, the Widow shall be endowed with the Third Part of the Real Estate, to be equally divided, as to Housing, fenced Grounds, Orchards, Woods, and other valuable Conveniencies, during her Natural Life; and the Third Part of the Personal Estate, (if there be but One or Two Children;) but if there be any more, how many soever, in that Case the Personal Estate to be divided amongst the Widow and all the Children, Share and Share alike: And in case the Husband make a Will, that he hath it in his Power to devise more to his Wife, than what is above determined, but not less.

An Act providing for the Supply of Arms and Ammunition. No 2. Expired.

An Act for the better putting in Execution the Act for Processions. No 3.

WHereas it hath been represented to this Assembly, That the Act for Processions hath been hindred to be put in Execution, for that the ascertaining the Bounds of Orphans Lands is not thereby provided for; Be it therefore Enacted and ordained by the Governor, Council, and Burgesses of this Grand Assembly; and, by the Authority of the same, It is Enacted and

A. D. 16[illegible]3. Ordained, That the Lands of Orphans be alſo compriſed in that Act, that is to ſay, when Difference ſhall happen to ariſe concerning the Bounds of Orphans Lands, and that the ſaid Difference cannot otherwiſe be determined, nor the Bounds of the adjacent Lands diſcovered, that then ſuch Orphan's Land be laid out by Two honeſt able Surveyors, in Preſence of the Neighbourhood, and Two ſuch Men, as ſhall be appointed by the County Courts, on the Behalf of the Orphan, and the Charge thereby accruing, to be ſuſtained in Manner following, *viz.* the Orphan to pay one Half of the Survey of his own Land, and the Owner or Owners of the Lands adjacent, whoſe Bounds are thereby alſo aſcertained, the other Half, and the whole Charge of ſurveying his or their Lands.

No 4. Repeal'd, 1684.

An Act for the Advancement of the ManufaƐture of Flax and Hemp.

No 5. Obſolete.

An Act concerning Tradeſmen, and other Artificers, to pay Levies.

No 6. Private.

An Act permitting the Counties of the Iſle of* Wight, *and* Lower Norfolk, *to erect each of them a Fort.

No 7. *Ditto.*

An Act for the Naturalization of* John Peterſon, *&c.

At

At a GRAND ASSEMBLY holden at *James-City* by Prorogation, from the 20th of *October*, 1673, to the 21st of *September*, 1674, and in the 26th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for an Address and Supplication to be made to the King's most Excellent Majesty. No 1. Repeal'd, 1676-7.

An Act for the Continuance of Two hundred Pounds Sterling per Annum, *over and above the One thousand Pounds Sterling* per Annum, *to Sir* William Berkley, *Knight, Governor.* No 2. Expired.

An Act ascertaining Allowance for Evidences summoned to the General Court. No 3.

A.D. 1674.

WHEREAS it hath been considered, that the Allowance, which the Law hath formerly given to Witnesses, who are often summoned from remote Places to give in Evidence at the General Courts, is too little, as also for their Attendance and Expence in Town; Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and by the Authority thereof, That Thirty Pounds of Tobacco *per Diem* be paid to such Witnesses, as come to *James-City* Twenty Miles and upwards, and that all Witnesses have Sixty Pounds of Tobacco *per Diem* for their Expences the time of their Attendance there.

An

A.D. 1674.

Nº 4. Obsolete. *An Act prohibiting the Justices of the several County Courts, for levying Tobaccoes upon the People, for their Accommodation and Expences whilst they are keeping Court.*

Nº 5. Ditto. *An Act impowering Mr. Secretary* Ludwell, *as Notary Publick, to appoint Deputies.*

Nº 6. *An Act commanding such* Indians, *who keep Hogs, to mark the same.*

WHereas Complaint hath been made, that divers of the Inhabitants of this Country have received Mischief by the *Indians* in their Stock of Hogs, against whom rarely any legal Proof can be produced to discover and convict them; Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, That *Indian* Proof, as well as other legal Proof, shall from henceforth be good against *Indians*, to convict them on the Act against Hog-stealing, and that those of the *Indians*, who keep Hogs, do and are hereby enjoyned and required to give such a particular Mark for that Town where they live, as shall be appointed by the adjacent County Court.

Nº 7. *An Act impowering Feme-Coverts to make good Acknowledgment of Sales of Land.*

WHereas the legal Way in *England* of passing Estates, where the Inheritance is in a Feme-Covert, is by way of Fine and Recovery, and it being the usual Way in this Country, for many Years, we having no Fines and Recoveries, that Sales have been made by the Husband and Wife of the Inheritance of the Wife, by Conveyance from them, and the said Conveyance, acknowledged in the General or County Courts by the Husband and the Wife, (the Wife being first privately examined by the Court, whether she acknowledgeth the same freely;) but there being no Act of Assembly to authorize the same, Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and by the Authority thereof, That all such Sales and Acknowledgments, that by Husband and Wife have at any time heretofore been made, in Manner and Form, as aforesaid, or shall hereafter be made, shall be good and effectual against the said Husband and Wife, their and every of their Heirs and Assigns, and against all other Persons claiming by, from, or under them, or any of them, and that to all Intents and Purposes, as if the same had been done by Fine and Recovery, or in any other way whatsoever.

An

A.D. 1674.

An Act ascertaining the Bounds of the Counties of the Isle of Wight *and* Nanzemond. No 8. Private.

An Act for settling the Lands, at the Green-Spring, *in Sir* William Berkley, *his Heirs and Assigns.* No 9. *Ditto.*

An Act for settling the Lands, conveyed from Sir William Berkley *and Dame* Frances *his Wife, in Colonel* William Cole, *his Heirs and Assigns.* No 10. *Ditto.*

At a GRAND ASSEMBLY held at *James-City* by Prorogation, from the 21st of *September*, 1674, to the 7th of *March*, 1675-6, in the 28th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for the Safeguard and Defence of the Country against the Indians. N° 1. Expired.

An Act prohibiting Trade with the Indians. N° 2. Repeal'd, 1691.

An Act prohibiting the Exportation of Corn, &c. N° 3. Expired.

An Act for the Naturalization of Christian Peterson. N° 4. Private.

N. B. All the Acts passed at a GRAND ASSEMBLY held at *James-City* the 5th of *June*, 1676, were Repeal'd by His Majesty's Instructions and Proclamation, and also by the 4th Act of the 20th of *February*, 1676-7.

At

At a GRAND ASSEMBLY begun at *Green-Spring* the 20th Day of *February*, 1676-7, in the 29th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act of Indemnity and Free Pardon. No 1. Repeal'd, 1680.

An Act of Attainder. No 2. Ditto.

An Act inflicting Pains, Penalties, and Fines upon great Offenders. No 3. Ditto.

An Act declaring all the Acts, Orders, and Proceedings of a Grand Assembly, held at James-City *in the Month of* June, *1676, Void, Null, and Repeal'd.* No 4.

A.D. 1676/7.

WHEREAS *Nathanael Bacon* the younger, in the Month of *June*, 1676, whilst the Governor, Council, and Burgesses were met, and convened together at a Grand Assembly, to consult the great Concerns of the Country, did enter *James-City* in a rebellious Manner, with a considerable Number of Armed Men, to the Number of Six hundred, or thereabouts, environing and besieging the Governor, Council, and Burgesses, and offering Force and Violence to them, and every of them, threatning them with sudden Death, if they would not grant his unreasonable, unlawful, rebellious, and treasonable Demand, and, by his Threats and offer'd Violence, did obtain to himself whatsoever he so unlawfully demanded: And whereas the King's most Excellent Majesty, by his

A.D. 167 6/7. his gracious Proclamation, and the Right Honourable Governor by his Proclamation, hath long since declared all the Proceedings of the said Assembly to be void in Law; Be it therefore Enacted by this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Acts, Orders, and Proceedings of the said Grand Assembly, be Repealed, and made Null and Void.

Nº 5. Repeal'd, 1680.

An Act for the Relief of such Loyal Persons, as have suffered Loss by the late Rebels.

Nº 6. Repeal'd, 1699.

An Act ascertaining the Price of Cocquets.

Nº 7.

An Act limiting Masters dealing with their Servants.

WHereas several Complaints are made, that divers and sundry Masters of Servants, during the Time of several their Servants Servitude, and more especially some small Time before the Expiration of their time of Service, do, by indirect Means, make sundry and divers Bargains and Agreements with their Servants, to their own unreasonable Advantage, and to the Servant's great Injury, Hurt, and Damage, who, because of his Coverture, is drawn in, and oftentimes necessitated to comply with the avaritious Temper and unreasonable Desire of such Masters: For the Prevention whereof for the future, Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and by the Authority thereof; and it is hereby Enacted, That, from and after Publication hereof, it shall not be lawful for any Masters of Servants to make any Bargain or Agreement with his Servant, before the Time of his Service by Indenture or Custom of the Country is expired and fully ended, either for such Servant's Corn and Clothes, or otherwise, except the same be made and confirmed betwixt such Master and Servant, bargaining and agreeing in the Presence, and with the Approbation and good Liking of some One or more Justices of the Peace in the County where such Master resides, upon the Penalty of forfeiting to such Servant such time of Service, as shall be due to the Master at the time of making such Bargain, otherwise, and in other Manner, than is herein by this Law set down, meant, and intended, and also all other Advantages and Agreements contained, conditioned for, or included in such Bargain or Agreement whatsoever.

Nº 8. Repeal'd, 1685.

An Act limiting Times of Receipt and Payments of publick Tobacco.

An

A.D. 1675.

An Act Repealing the Act allowing free Tythables to divers Persons.

No 9. Obsolete.

An Act regulating Ordinaries, and the Prices of Liquors.

No 10.

WHereas the Multiplicity of Ordinaries in this Colony is found to be pernicious and hurtful to the Inhabitants, Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the Publication of this Act, there shall not be admitted, suffered, or licensed, above Two Ordinaries in any one County of this Colony at one time, except in that County where the General Court shall be held; and that the Power of granting Licences be in the respective County Courts, the Right Honourable the Governor being paid for such Licences according to former Laws in such Cases; and that no Persons be licensed to keep Ordinaries, but such as are accounted able, and will enter into sufficient Bond to find and provide constantly for Travellers good Diet, Lodging, and Horse-meat, and will rate and sell their Provisions and Liquors according to the Rates and Prices hereafter set down and allowed by this Law, upon such Penalties and Forfeitures, as shall be therein provided and inflicted; which said Penalties shall be and belong, the one Half to the Person or Persons, who shall inform and sue for the same, and the other Half to the County wherein the same shall be forfeited.

And be it Enacted by this Grand Assembly, and the Authority thereof, That all Ordinaries, selling Liquors, do demand or take no more for *Virginia* Drams, or Strong Beer or Ale, than is set down in the Act of Assembly, made in *September*, One thousand six hundred seventy one; That the Rate for Cyder and Perry, if boiled, be Twenty Pounds of Tobacco for one Gallon, and if raw, Eighteen Pounds of Tobacco *per* Gallon; That the Price of Lodging be Three Pounds of Tobacco for one Night; That the Price for Diet, where the General Court or Assembly is held, be Twelve Pounds of Tobacco each Meal for the Master, and Eight for the Servant, and in all other Ordinaries in the Country, Ten Pounds of Tobacco each Meal for the Master, and Six for the Servant; That the Rate for Horse-pasturage be Six Pounds of Tobacco for one Day and Night, and if housed, for Straw and Hay, Eight Pounds of Tobacco the Day and Night, and for *Indian* Corn, after the Rate of Forty Pounds of Tobacco *per* Bushel, and for Oats, after the Rate of Sixty Pounds of Tobacco the Bushel: And that all Ordinary-keepers be and are hereby enjoyned to secure all Horses, that they have Charge of, from running away, or being stolen, upon the Penalty of paying the Charge for finding the Horse or Horses, or paying for them if lost: And that the Justices of every respective County Court within this Colony, be enjoyned, in the Month of *May* and *November* Yearly, to meet at their County Court-house, and asses and set the Rates on all such Liquors, as are not herein mentioned and rated, according as the Market Price then rules for such Liquors; and that no Ordinary-keeper presume to advance and take for such Liquors, so by the Justices rated, above *Cent. per Cent.* Profit, upon the Penalty and Forfeit of Tenfold such Exactions and Over-Rates by them demanded or taken; and that all such Persons, buying or expending at Ordinaries, who shall at any time pay greater Rates and Prices than is hereby allowed and set down, do, for every such Payment, or Obli-

A.D. 167⁶⁄₇. Obligation for Payment, forfeit and pay Fivefold the Sum so overpaid; and that all those County Courts, neglecting to meet and assess the Rates and Prices, as aforesaid, be fined Five thousand Pounds of Tobacco, and Cask; all which Fines shall come and belong, the one Half to the Use of the County where such Forfeiture is made, and the other Half to him or them who shall inform and sue for the same.

No 11. Obsolete.

An Act disposing Amerciaments upon cast Actions.

No 12. Repeal'd, 1680.

An Act concerning Servants, who were out in Rebellion.

No 13. Repeal'd, 1684.

An Act for laying Parish Levies.

No 14. Provided for.

An Act Repealing the Act of Encouragement for killing Wolves.

No 15. Obsolete.

An Act giving Liberty of Appeals to the Eastern Shore People.

No 16. Expired.

An Act giving Seven Years Time to seat Frontier Lands.

No 17.

An Act Regulating Burgesses Expences.

WHereas by former Acts and Orders of Assembly, it is Provided, Enacted, and Ordered, that the Allowance to every respective Burgess, for his necessary Expence and Charge, attending at Assemblies be, for every Day, One hundred and fifty Pounds of Tobacco, over and besides the necessary Charges and Expences of his coming to, and returning from the Assemblies, and also the unavoidable Cost and necessary Charges of his Servant and Horses, is complained of, as grievous and burthensome to the People: This Assembly having taken the same into their serious Consideration, do Enact; and be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby Enacted, That, for the time to

8 come,

come, the Allowance to each and every respective Burgess, which shall attend at any Assembly hereafter to be called, be One hundred and twenty Pounds of Tobacco and Cask *per* Day, and, for such Allowance, to commence and begin Two Days before the first Day of every Assembly, and to continue the whole Sessions of every Assembly, and Two Days after, for convenient Time to every Burgess to return Home: And to prevent the great Charge and Abuse that may accrue by Burgesses coming to Assemblies in Sloops or Boats, Be it Enacted by this present Grand Assembly, and the Authority thereof, That over and above the One hundred and twenty Pounds of Tobacco *per* Day, allowed to each Burgess for his Expences, there be allowed, for the Charge of a Sloop, Two Men to sail the said Sloop, and their Provisions, for the Two Counties of *Northampton* and *Accomack*, Sixty Pounds of Tobacco *per* Day, and no more; and that the Charge of a Boat, Two Men to row, and their Provisions, bringing such Burgesses, as can come no other way but by Water, be Thirty six Pounds of Tobacco *per* Day, and no more; and that the Charge for Horse-hire, for such Burgesses as come by Land, be Ten Pounds of Tobacco and Cask *per* Day, for each Horse so used; and that their unavoidable Charges and Payments, for Passage by Ferry over the Rivers, in their coming to Assemblies, and returning Home, be also allowed them. A.D. 167$\frac{6}{7}$.

AND be it further Enacted by this present Grand Assembly, and the Authority thereof; and it is hereby Enacted, That if emergent Occasion shall require, that an Assembly be called before there are Houses of Entertainment built, that then those Burgesses, that must of Necessity come by Water in Sloops, have the same Allowance with the Eastern Shore Burgesses; and those other Burgesses, who must necessitously use Boats, to bring their Provisions and other Necessaries, have the Allowance of Thirty six Pounds of Tobacco *per* Day, and no more; and that for the time to come no Expences of Committees be allowed of, or brought to the publick Account.

An Act for setting apart a Day of Humiliation, and a Day of Thanksgiving.

No 18. Expired.

An Act for Naturalization of Garret Johnson.

No 19. Private.

An Act for Opening Courts of Judicature.

No 20. Obsolete.

At a GRAND ASSEMBLY begun at *Middle Plantation*, at the House of Captain *Otho Thorpe*, the 10th Day of *October*, 1677, in the 29th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act imposing Fines upon Delinquency of Grand Juries. No 1.

A. D. 1677.

FORASMUCH as the Thirty eighth Act of Assembly in the printed Laws, directing and commanding, that Juries of Inquest be impanelled and sworn in every County, to the Ends and Purposes therein mentioned, is, by reason there is no Fine set upon the Justices neglecting to appoint and swear the same, nor upon the Jurors not making due Enquiry and Presentment, according to the true Intent and Meaning thereof, become generally neglected and unexecuted; Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That the Justices of Peace of each County of *Virginia*, neglecting and omitting once every Year, before or upon the last Day of *April*, to make Choice of, and swear a Jury of Inquest, according to the true Intent and Meaning of the before recited Laws, shall be fined, for every such Omission, Two thousand Pounds of Tobacco, the one Half to the Informer, and the other Half to the County's Use; and each Jury of Inquest, not making Appearance at the Times appointed in the said Law, or not making Inquest and Presentment, according to the true Intent and Meaning thereof, shall be fined, each Juryman making such Default, Two hundred Pounds of Tobacco; the one Half of which Fines to be paid to the Informer, and the other Half to the Use of the County, for every such Default whereof they shall be lawfully convict.

An Act prohibiting private Compositions. No 2. Obsolete.

An

A.D. 1677.

No 3. Repeal'd, 1680, & 1691.

An Act licensing Trading with the Indians.

No 4.

An Act imposing Fines on Sheriffs concealing Tythables.

BE it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That whatsoever Sheriff, Collector, or Receiver of the Publick or County Levy, shall be found to levy and receive Tobaccoes due upon concealed Tythables, and shall not give an Account to the next County Court thereof, after such his Receipt and Collection of the same, but shall convert, or endeavour by such Concealment to convert the same to his own Use, and shall be thereof lawfully convict, shall be fined, and pay the Penalties enjoyned in the former Act or Acts of Assembly for concealed Tythables.

No 5.

An Act for ascertaining the Price of Double Patents.

FOrasmuch as divers Persons, making Advantage thereof to themselves, thereby to save the Trouble and Charge of Seating new taken up Dividends of Land, do customarily add new Tracts of Land to former Patented Dividends; Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That it shall and may be lawful, in such Cases, for Mr. Secretary to take, as his due Fee, so many times Eighty Pounds of Tobacco, as there are several Tracts of Land in such Patent; but where several old Tracts of Land, formerly patented, shall be drawn into one Patent, and no new Lands, not patented before, added thereto, in such Cases the Fee for such Patent shall not exceed Eighty Pounds of Tobacco.

No 6. Repeal'd, 1680.

An Act for the Imposition of Two Shillings on every Five hundred Pounds of Bulk Tobacco.

No 7. Ditto.

An Act for Delivery of Stray Horses, &c.

An

A.D. 1677.

An Act for Restraining the Impress of Timber, &c.

N° 8.

FOrasmuch as divers Complaints have been made, that it hath been heretofore practical, to impress and take from any Man's Land such Timber-trees, as those, who pretended to have such Power, were pleased to take, to the great Hurt and Damage of such Persons, Owners of the said Lands and Timber, from whom the same hath been taken, and contrary to the Right of Inheritance in and to the said Land and Timber: To the End that no such Abuses, and Infringement of Properties, may for the future be offered and done, Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That no Person, under Pretence of any Power or Warrant whatsoever, that shall be employed for the time to come, to procure and impress Timber for publick Use, or other Purpose, Use, or Intent whatsoever, shall or may take or impress any Timber from any Man's Land whatsoever, before he or they, so impowered, or pretending to be impowered, shall have first made Composition or Agreement with the Owner thereof for the Price of the same, and shall have made ready Payment, or given sufficient Caution for Payment, according to such Composition or Agreement, upon the Penalty of paying, for each Timber-tree so taken, without Composition or Agreement, as aforesaid, Five Pounds Sterling, according to a former Law in such like Cases made and provided.

PROVIDED always, That if the Owner of such Timber, as shall be wanted for publick Uses, shall be unreasonable in his setting a Price thereon, finding the Advantage of the Necessity thereof to be had and taken for publick Uses, that in such Cases it shall be lawful to procure a Valuation thereof, to be made by Two good and honest Men of the Neighbourhood, upon their Corporal Oaths; which Price being paid, or secured to be paid, shall, in such Cases, be final and determinative.

AND forasmuch as great Complaints have also been made to this Assembly, of divers Injuries and Abuses, which have been lately perpetrated and done by Persons employed to impress Necessaries for publick Occasions; and also divers Complaints have been made, that of late divers Persons have presumed to impress Sloops, Carts, Boats, Horses, &c. without lawful Power so to do; to rectifie and prevent the like Abuses for the time to come, Be it further Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That from henceforth no Person whatsoever shall presume to impress any Sloop, Shallop, Boat, or other Vessel, Horses, Carts, Arms, Provisions, Goods, or Merchandize whatsoever, without sufficient Warrant, and that such Warrant be shewed to such Person, from whom they are about to impress such Sloop, Boat, &c. and that whosoever shall, by virtue of a legal Warrant, impress any Sloop, Boat, Shallop, or other Vessel, shall thereby have Power to cause Two Men of the ablest of the Neighbourhood, to view and appraise such Vessel, in the best of their Judgments, to the full Value, and also to ascertain the Value of the Hire thereof, either by the Day, or by the Month, and that Instruments or Writings be drawn, intimating the Value, and also the Price of the Hire by the Day or by the Month, of which a Duplicate to be drawn, the one of which is to remain with the Appraisers, and the other Part with the Owner or Owners of such Sloop or Boat, &c. and such Owner to bring such Instrument or Writing to the next County Court, where, if such Sloop, Boat, &c. were impressed for the Use of that County, then to be paid out of the County Levy, according to the Tenor of the Writing or Instrument; but if the same were impressed for the Use of the Publick, then the County Court is

A.D. 1677. to return Certificate of ſuch Inſtrument or Writing to the next Aſſembly, where Satisfaction ſhall be made, according to the Tenor of the ſaid Inſtrument or Writing: But if it ſhall ſo happen, that ſuch Sloop, Boat, *&c.* ſhall be caſt away or loſt in the Service, that then the Owner of ſuch Sloop, Boat, Veſſel, Horſes, *&c.* ſhall be at his Choice, whether he will have the Value, according to Appraiſement, or the Wages aſcertained in the Writing, which the Publick or County muſt ſee punctually paid: And if it ſhall happen, that the Publick or County ſhall have Occaſion to impreſs Proviſions, of what Nature or Kind ſoever, the Impreſſer is likewiſe impowered to cauſe Two Men of the ableſt of the Neighbourhood, to appraiſe the ſame, and return a Note, certifying the Quantity and Price, to the next County Court, where, if impreſſed for the County's Uſe, to be paid out of the County Levy, and if for the Publick Uſe, the County Court to return an Account thereof to the next Aſſembly, where full Satisfaction ſhall be made, according to Appraiſement; and if the County or Publick ſhall impreſs any Man, that he be paid, if betwixt the Tenth of *September* and the Tenth of *March*, Ten Pounds of Tobacco *per* Day, and if betwixt the Tenth of *March* and the Tenth of *September*, fifteen Pounds of Tobacco *per* Day for the firſt Ten Days; and if he ſhall be continued in ſuch Employment more than Ten Days at a time, then for all ſuch Time as he ſhall ſerve above Ten Days, betwixt *September* and *March*, after the Rate of Two hundred Pounds of Tobacco *per* Month; and betwixt *March* and *September*, after the Rate of Three hundred Pounds of Tobacco *per* Month; and if any Horſe or Horſes be impreſſed by the Publick or County, the Owner or Owners of ſuch Horſes ſhall receive Fifteen Pounds of Tobacco *per* Day for the firſt Twenty Days; and if he ſhall be continued longer than Twenty Days, then for all the Time he ſhall be employed over and above the Twenty Days, after the Rate of Ten Pounds of Tobacco *per* Day; and before the Impreſſer ſhall take ſuch Horſe or Horſes impreſſed away, he ſhall firſt bring Two able honeſt Men of the Neighbourhood, to appraiſe the ſaid Horſe or Horſes, and a Writing ſhall be drawn and ſigned intimating the Value; and if ſuch Horſe or Horſes be killed in the Service, or otherwiſe loſt, it ſhall be at the Choice of the Owner of ſuch Horſe or Horſes to receive the Value as appraiſed, or the Wages for Hire, if for the Uſe of the County, to be paid by the County, if for the Uſe of the Publick, to be punctually paid, upon returning Certificate from the County Court, as in the Caſe of Sloops, *&c.* And in caſe any Perſon or Perſons ſhall, notwithſtanding this Law, preſume to impreſs and carry away any Sloop, Boat, or other Veſſel, or any Cart, Horſe, Arms, Proviſions, or any other Matter or Thing whatſoever, contrary to the true Intent and Meaning thereof, ſhall be amerced double the Value of any ſuch Sloop, Boat, *&c.* Horſes, Arms, Proviſions, or any other Matter or Thing, ſo by him or them impreſſed and taken away, to the Uſe of the Owner or Owners of ſuch Goods, to be recovered by Action of Treſpaſs in any Court of Judicature within this Colony.

No 9. Obſolete.

An Act ſettling the Form of Patents.

An

A.D. 1677.

An Act ascertaining Coroners Fees. No 10.

FOrasmuch as some Doubts have arisen concerning Coroners Fees in this Colony, and it being necessary to declare by a Law what the same shall be; Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That a Fee for a Coroner's Inquest, be Thirteen Shillings and Four Pence, according to the former Allowance in *England* in such Cases, or One hundred thirty three Pounds of Tobacco, and Cask, at the Choice of the Coroner, to be paid out of the Estate of the Person deceased, if such there be, and for want of such Estate, by the County, where the Party causing the Inquest shall die; and where there is no Coroner in the County, that the Justice of the Peace, doing the Office, have the Fee.

An Act declaring the Year 1676, to be out of the Statute of Limitations. No 11. Expired.

An Act for signing Executions on Judgments in the Assembly. No 12. Obsolete.

At

At a GRAND ASSEMBLY begun at *James-City* the 25th Day of *April*, 1679, and in the 31st Year of the Reign of our Sovereign Lord King *Charles* II.

An Act for the Defence of the Country against the Incursions of the Indian *Enemy.* No 1. Expired.

An Additional Act for better preventing Stealing of Hogs. No 2.

WHEREAS, notwithstanding the former Law against Hog-stealing, the same is daily practised, to the great Damage of the Inhabitants of this Country; For Prevention whereof, Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That this following Addition be made to the former Law, *viz.* That for the first Offence of Hog-stealing, whereof any Person shall be convict, the Party shall be adjudged according to the said Law; and if any Person, having been once convict of Hog-stealing, shall a second time be convict thereof, then, for such his Default, he shall stand Two Hours in the Pillory, and have both his Ears nailed thereto, and at the Expiration of the said Two Hours, have his Ears cut loose from the Nails; which Penalty and Punishment shall be adjudged and inflicted against and upon the Offender, by any County Court in *Virginia*, any Law to the contrary notwithstanding; and whosoever shall be taken a third time stealing of Hogs, that then he be tried by the Laws of *England*, as in case of Felony. *A.D.* 1679.

An Additional and Declaratory Law, impowering County Courts to make By-Laws. No 3. Repeal'd, 1685.

A.D. 1679.

No 4. *An Act declaring how far Accounts are Pleadable against dead Mens Estates.*

WHereas the Ninety fifth Act of Assembly in the Printed Laws, making no Accounts Pleadable against dead Mens Estates, is found too severe, and that many Executors and Administrators of dead Mens Wills and Estates, have had and taken too great an Advantage thereby, to the Defrauding and great Prejudice of many Creditors to such Estates: For Prevention whereof for the time to come, and to the End all just Debts may be recovered against the Debtor's Estate, Be it Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That from henceforward all Accounts, brought against a dead Man's Estate, for any Debt made and contracted within One Year before the Party's Death, but no longer, shall be Pleadable, and recoverable against the Debtor's Estate; and for longer Time without Prescription, if the Party in Debt shall, after contracting such Debt, remove or abscond himself from the County where he lived at contracting the same: Provided always, That all such Accounts and Claims, as shall be brought against a dead Man's Estate, be fairly proved in Court by the Oath of the Creditor, and One Witness more, and that the Party claiming and suing for such Debt, do himself appear, and in open Court make Oath, upon the holy Evangelists, that the same is wholly due, without any Discount to be made, or Credit to be given, that he knows of.

No 5. Obsolete. *An Act Repealing the* CXXIX *Act in the printed Book.*

No 6. Repeal'd, 1699. *An Act ascertaining Collectors Fees for Entring and Clearing Ships, &c.*

No 7. *An Act for Securing Orphans Estates.*

WHereas the Sixty sixth Act of Assembly in the printed Book relating to Orphans Estates, is found too short and deficient, and that by the Neglect of the Courts, in taking Security upon granting Orders for Administrations, great Prejudices have ensued, and may ensue; For the better Prevention thereof for the future, Be it Enacted by this present Grand Assembly, and the Authority thereof; and it is hereby Enacted, That before any Order for Administrations upon Estates of deceased Persons shall be granted to issue forth from the Office, so as Letters of Administration shall or may thereupon pass and be signed by the Justices, as by the Law is directed and enjoyned, good Security shall be taken for the Party's due Administration according to Law.

A.D. 1679.

And be it further Enacted by this present Grand Assembly, and the Authority thereof; and it is hereby Enacted, That all Justices, sitting in Court, whensoever Administrations are sued for and granted, and shall, upon granting Order or Orders of Administration, neglect to make Order for Security, as is before enjoyned to be taken, shall thereby, and for such their Neglect, become liable to make good such Estate, in case the same shall be imbezelled by such Administrators.

And it is also further Enacted, That all Justices of the Peace stand enjoyned, and are hereby required, before they sign Letters of Administration, to demand Certificate from the Clerk, that Security is given according to Law, and duly entred upon Record, to the End all Orphans, *&c.* may be secured in their Estates, and the Justices safe in the due Execution of their Office and Places.

An Act prohibiting the Importation of Tobacco into this Colony. N° 8.

Forasmuch as the Importation of Tobacco into this Colony from *Carolina*, and other Parts without the Capes, hath been found very prejudicial to this Country, and the Inhabitants thereof; For Prevention of like Mischief and Inconvenience for the future, Be it Enacted by the Governor, Council, and Burgesses of this present Grand Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the Tenth Day of *October* next after this present Sessions, no Tobacco, packed in Cask, or otherwise, shall be brought from without the Capes of *Virginia* into this Colony, either in Boat, Sloop, Ship, or other Vessel whatsoever, to be landed on Shore, sold, or shipped off, in any Ship or other Vessel riding in this Colony, except only by such Persons, as shall make it appear that they are the Inhabitants of *Lower Norfolk* County, and that the Tobacco by them brought round the Capes, is of the Growth of the said County, upon Penalty of forfeiting all such Tobacco so brought into this Colony contrary to the true Intent and Meaning of this Act; one Half of such Tobacco so forfeited, to be to the Use of the King's Majesty, and the other Half to be equally divided between the Informer and the County.

Provided always, That it shall be lawful for any Merchant, or other Person inhabiting in this Country, to fetch from *Carolina*, commonly called *The South*, and bring hither, all such Tobaccoes, as are already due to him before the making this Law.

Provided also, That such Merchant, or other Inhabitant of this Country, as shall pretend to have Tobaccoes due there, and expects Liberty of importing them into this Country, do, within Three Months next after the Publication of this Act, repair to the Court in the County where he lives, and there make Oath upon the holy Evangelists, what Sum of Tobacco is due there, and that the same was due to him before the Publication of this Act, and cause the same to be entred upon Record; and further, that such Merchant, or other Person, residing in this Country, and having Tobaccoes due to him in *Carolina*, and claiming the Benefit of this Law to import the same into this Colony, shall and do immediately, and before he shall unload the same, either out of Boat, Sloop, or other Vessel, bringing the same into this Country, repair to the next or nearest Collector of the Impost of Two Shillings *per* Hogshead, and make Entry with him of all such Tobaccoes, as he shall bring in, and do also make Oath upon the holy Evangelists before such Collector, or other Magistrate whom he shall appoint, that such Tobaccoes so brought in, is such Part of what Tobaccoes was due to him in Foreign Parts, before the making this Act, the Total whereof he hath already signified to the County Court where he resides, according to the Injunctions of this Law.

An

A.D. 1679.

№ 9. *An Act forbidding* Maryland *Vessels trading into this Colony, without making due Entry.*

WHereas by several Laws, which long have been, and now are of Force in *Maryland*, all Ships, Sloops, Boats, or other Vessels belonging to *Virginia*, are enforced to make Entry with the respective Collector, before they can be permitted to make Delivery of any Goods, or take on Board any Tobaccoes to import hither, and consequently to pay considerable Sums of Money to such Officer for such Entry, though the Goods or Concern thither carried be of very small Value; which Severity this Assembly having taken into Consideration, do adjudge it very unneighbourly: Be it therefore Enacted by the Governor, Council, and Burgesses of this Grand Assembly, and the Authority thereof; and it is hereby Enacted, That no Ship, Sloop, Boat, or other Vessel, belonging to any the Inhabitants of *Maryland*, or coming from thence, shall from henceforth be permitted to bring any manner of Goods or Commodities, of what Value soever, into any of the Rivers or Ports of this Government, and unload the same, either on Board any other Vessel, or on Shore, without first making due Entry thereof with the Collector of those Precincts, under the Penalty of forfeiting such Ship, Sloop, Boat, or other Vessel, together with such Goods and Merchandizes, as shall be so unloaden, as aforesaid, the one Half to the Informer, and the other Half to the Use of the County where the Seizure is made; and the several Collectors are hereby earnestly desired and enjoyned to take particular Care in this Matter; and this Law to stand in Force until the *Marylanders* shall repeal their severe Law before nominated.

№ 10. Private. *An Act for the Naturalization of* Abraham Vincler, *&c.*

№ 11. Ditto. *An Act enabling Major* Laurence Smith, *and Captain* William Bird, *to seat Lands at the Head of* Rappahannack *and* James-River.

At

At a General Assembly begun at *James-City* the 8th Day of *June*, 1680, in the 32d Year of the Reign of our Sovereign Lord King *Charles* II.

An Act of Free and General Pardon, Indemnity and Oblivion. No 1.

A. D. 1680.

THE King's most Excellent Majesty, having taken into his gracious and serious Consideration the present State and Condition of this his Colony of *Virginia*, and reflecting on the late Rebellion raised there by *Nathaniel Bacon* junior, deceased, his Complices and Abettors, and how many of his good Subjects were drawn into the same, and seduced from their Allegiance, by the specious Pretences set forth by the said *Nathaniel Bacon*, who have since, by their dutiful Behaviour, shewed themselves sensible thereof, and repenting for the same; and to the Intent, that no Crime whatsoever, committed against his said Majesty and Government, may hereafter rise in Judgment, or be brought in Question against any of them, to their least Endamagement, either in Lives, Liberties, or Estates, or to the Prejudice of their Reputations by any Reproach or Term of Distinction, and to turn all Seeds of future Discord, and the Remembrances thereof, into utter Oblivion, as well in his Majesty's own Breast, as in the Breasts of his Majesty's Subjects one towards another, and out of an earnest Desire to put an End to all Suits, Quarrels, and Controversies whatsoever, that, by occasion of the said Rebellion and late Distractions, have arisen, and may arise, between any of his Majesty's Subjects; and in Pursuance of his gracious Proclamation of Pardon, bearing Date the Twenty seventh Day of *October*, One thousand six hundred seventy six, and in the Twenty eighth Year of his Reign, is graciously pleased, that it may be Enacted, and be it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, That all and all manner of Treasons, Misprision of Treasons, Murders, Felonies, Crimes and Misdemeanors, committed, acted, counselled or done by any Person or Persons whatsoever, upon or at any Time before the Sixteenth Day of *January*, Sixteen hundred seventy six, in the Twenty eighth Year of his Majesty's Reign, other than the Persons hereafter excepted, in such Manner as they are excepted, by Virtue or Colour of any Command, Power, Authority, Warrant, Commission, or Instructions from Sir *William Berkeley*, late Governor of *Virginia*, deceased, or of or from any Person or Persons deriving, or pretending to derive, mediately or immediately, any Commission, Power, or Authority from the Grand Assembly in *Virginia*, held in *June*, One thousand six hundred seventy six, or of or from *Nathaniel Bacon* junior, deceased, assuming unto himself the Authority of, and reputed to be Commander in Chief of all the Forces in *Virginia*,

 by

A.D. 1680. by Land or Sea, or from any other Person or Persons deriving, or pretending to derive any Authority from them, any or either of them, be pardoned, released, discharged, and put into utter Oblivion, and that as firmly and fully to all Intents and Purposes, as if they, or every of them, had been herein particularly named and expressed.

And be it further Enacted by the Authority aforesaid, That all and every such Person and Persons, their, and every of their Heirs, Executors, and Administrators, except as hereafter excepted, that were actually engaged in aiding, acting, advising, assisting, abetting, or counselling the said Rebellion, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods and Chattels whatsoever, forfeited to his Majesty, his Heirs and Successors, for any of the Crimes aforesaid, in the same Manner, and as freely, to all Intents and Purposes, as if they had not been forfeited, yet so that they, and every of them, and their Estates Real and Personal, shall be subject and liable to pay all and singular their just Debts, in the same Manner, as if they had committed no Rebellion, Crimes, or Offences.

Except and always foreprised out of this Act the above-named *Nathaniel Bacon* junior, the principal Contriver, Beginner, and Maintainer of the said Rebellion; who, having taken up Arms under Pretence of an *Indian* War, assumed unto himself the Title of General, and did afterwards chase away the then Governor there, rob, kill, and continued to destroy several other of his Majesty's Loyal Subjects, that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him the said *Bacon* an infamous and exemplary Death, whereby he hath escaped the Punishment of this World, so justly due to his Person; Be it therefore Enacted, and it is hereby Enacted by the Authority aforesaid, That the said *Nathaniel Bacon* jun. shall be, by virtue of this Act, and he is hereby adjudged to be convict and attainted of High Treason, to all Intents and Purposes, as if he had been convict or attainted thereof by due course of Law in his Life-time; and that all the Estate, Real and Personal, whereof he was seized or possessed upon the Fifth Day of *June*, One thousand six hundred seventy six, or at any time after, within this Colony of *Virginia*, shall be forfeited to the King's Majesty, his Heirs and Successors, and it is hereby declared to be vested in his Majesty, his Heirs and Successors, without any Office or Inquisition thereof to be hereafter taken or found.

Provided always, and be it Enacted, That this Act, nor any thing therein contained, shall extend to pardon, discharge, or give any other Benefit whatsoever unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stoakes*, *John Whitson*, and *William Scarborough*, alias *Scarburgh*, who were all legally convicted, attainted, and executed, for their horrid Treasons and Rebellions, or to *Richard Lawrence*, who fired *James-City*, and is since fled, notwithstanding his Majesty's gracious Proclamation; but that the Persons last aforesaid, and their Estates, are out of this Act wholly excepted and foreprised.

Provided also, and it is hereby Enacted and Declared by the Authority aforesaid, That if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Langstone*, shall at any time, after the passing this Act, accept or exercise any Office or publick Employment whatsoever within the said Colony of *Virginia*, that then such of them, as do so accept or exercise, as aforesaid, shall, to all Intents and Purposes, stand, as if he or they had been totally excepted by Name out of this Act.

And whereas many of his Majesty's Loyal Subjects cannot but be very great Sufferers by the Spoils and Rapines committed during the late Rebellion; To the Intent that they may have as much Relief therein, as may possibly stand with the Quiet of the Country, as also for the avoiding and determining the endless Suits and Prosecutions, which must necessarily ensue, if

Care be not taken to prevent the ſame, It is hereby further Enacted by the Authority aforeſaid, That as to any Wrong or Injury, which hath been committed by any Perſon or Perſons at any time between the Firſt of *May*, and the Sixteenth Day of *January*, One thouſand ſix hundred ſeventy ſix, whereby the Goods and Commodities of any his Majeſty's Subjects in *Virginia* have been deſtroyed or ſpoiled, or have been impaired or made worſe, and for which no Judgment hath been actually obtained before the Five and twentieth Day of *April*, One thouſand ſix hundred ſeventy nine, in the One and thirtieth Year of his Majeſty's Reign, no Action, Suit, Proceſs, or Satisfaction, be at any time hereafter required, proſecuted, made, or given for the ſame, from or againſt any Perſon or Perſons whatſoever. *A.D.* 1680.

PROVIDED always, That where the Goods of any of his Majeſty's Subjects, not actually engaged in the ſaid Rebellion, or being aiding or aſſiſting to the ſame, have been wrongfully taken away between the ſaid Firſt Day of *May*, and the ſaid Sixteenth Day of *January*, and ſhall be found in the Poſſeſſion of any other Perſon or Perſons, it ſhall and may be lawful for the Owner or Owners of ſuch Goods or Commodities, his or their Executors and Adminiſtrators, to take, ſue for, and recover the ſame by all legal Means, any thing in this Act contained, or any other Laws, Acts or Statutes to the contrary notwithſtanding.

PROVIDED always, That no further Puniſhment, Satisfaction, or Damages ſhall be recovered or inflicted on any Chriſtian Servants, that have deſerted their Maſters, or been active in the late Rebellion, than that the Time incurring between the Firſt of *May* and the ſaid Sixteenth Day of *January*, ſhall be accounted no Part of their time of Service.

AND be it further Enacted by the Authority aforeſaid, That no Verdicts, Judgments, Indictments, Informations, Decrees, Sentences, Probates of Wills, Adminiſtrations, Writs, or Actings on, or Return of Writs, Orders, or other Proceedings whatſoever, in Law or Equity, had, made, given, taken, or done, or depending in any Courts, or before any Judges whatſoever within the ſaid Colony of *Virginia*; nor any Actings, Proceſs, Proceedings, or Executions thereupon had, made, given, done, or ſuffered at any time before the paſſing this Law within our ſaid Colony, ſhall be avoided, for or by reaſon that the Premiſſes, or any of them, were commenced, proſecuted, had, made, held, or done by or before any Perſon pretending and aſſuming the Name, Title, Authority and Dignity of Governor of the ſaid Colony, though he were not legally ſo, or before any Perſon or Perſons pretending and aſſuming the Name, Title, and Authority of Councillors within the ſaid Colony, though not legally ſo; but that all and every ſuch Verdicts, Judgments, and other Things abovementioned, and the Actings, Doings, and Proceedings thereupon, ſhall be of ſuch, and of no other Force, Effect, and Value, than as if ſuch Perſon, ſo aſſuming the Name, Title, Authority and Dignity of Governor, had been legally commiſſioned by his Majeſty thereunto, and as if ſuch Perſon or Perſons, pretending the Name, Title, and Authority of Councillors there, had been legally authorized thereunto.

AND whereas, during the Licentiouſneſs of the late Times, ſeveral ill-diſpoſed Perſons took upon them to aſperſe the Government, and defame the Governor and chief Magiſtrates of the ſaid Colony, raiſing falſe and ſcandalous Reports, without which our good Subjects there could not have been ſo eaſily led away, which cannot but tend to the future Diſturbance of the Peace and Welfare thereof, if not timely prevented by inflicting Puniſhments proportionate to the Greatneſs of the Crime; Be it therefore Enacted by the Authority aforeſaid, That whoſoever ſhall, after the Paſſing of this Act, maliciouſly and adviſedly, by Writing, Speaking, or otherwiſe, expreſs, publiſh, utter, or declare any Words, Sentences, or other Thing or Things, to incite or ſtir up the People to the Diſlike of any Perſon, appointed by his Majeſty to be

A.D. 1680. Governor or Commander in chief of the said Colony, or tending to the Dishonour or defaming of the said Governor for the time being, and being thereof legally convicted, shall be imprisoned during One Year, without Bail or Mainprize, and incur such Forfeiture, as shall be adjudged, not exceeding the Sum of Five hundred Pounds, to the King's most excellent Majesty, his Heirs and Successors.

And it is in like manner Enacted, That whosoever shall maliciously and advisedly, by Writing, Speaking, or otherwise, express, publish, utter, or declare any Words, Sentences, or other Things, to incite or stir up the People to the Dislike of his Majesty's Councillors, Judges, or other principal Officers within the said Colony, or tending to the Dishonour or defaming of the said Councillors, Judges, or principal Officers, and being thereof legally convicted, shall be imprisoned during Three Months, without Bail or Mainprize, and incur such Forfeiture, as shall be adjudged, not exceeding the Sum of One hundred Pounds, to the King's most Excellent Majesty, his Heirs and Successors, any Act or Acts, Order or Orders to the contrary notwithstanding.

N° 2.

An Act for Naturalization.

Whereas nothing can contribute more to the speedy Settling and Peopling of this his Majesty's Colony of *Virginia*, than that all possible Encouragement should be given to Persons of different Nations, to transport themselves hither, with their Families and Stock, for to settle, plant, or reside, by investing them with all the Rights and Privileges of any his Majesty's Natural and Free-born Subjects within the said Colony; Be it therefore Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in chief of this Colony for the time being, or any of his Successors, Governors of this Colony, by a publick Instrument under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled, or Inhabitants of this his Majesty's Colony, or such as shall hereafter come to settle, plant, or reside in it, and having taken the Oath of Allegiance before the Governor or Commander in chief for the time being, to be, to all Intents and Purposes, fully and completely Naturalized; and the said Persons, so approved of, and named in the said Letters Patent, as aforesaid, shall, by virtue of this Act, have and enjoy, to them and their Heirs, the same Immunities and Rights of and unto the Laws and Privileges of this Colony, and as fully and amply, as any of his Majesty's Natural-born Subjects have or enjoy within the same, as if they themselves had been born within any of his Majesty's Realms or Dominions, any former Law, Act, Ordinance, Usage or Custom to the contrary notwithstanding.

And to the Intent the said Letters Patent and Instrument under the Broad Seal of this Colony, as aforesaid, may be obtained without any great Difficulty or Charge, Be it further Enacted, That the Governor or Commander in chief, shall have and receive for the same Forty Shillings, and his Clerk, for writing of it, Ten Shillings, and no more.

And whereas several Aliens and Foreigners, that have formerly transported themselves to this his Majesty's Colony, and have taken up and patented in their own Name, several Parcels of Land, or otherwise made Purchase of Lands, Houses, or other real Interest, and have afterwards sold the same to some of his Majesty's Liege People, or Inhabitants of this Colony; It is hereby

Enacted and Ordained by the Authority aforesaid, That all such Person or Persons, that shall have so bought of any Alien or Aliens, any Lands, Houses, or Tenements, be secured, and, by virtue of this present Act, for ever confirmed in the quiet and peaceable Possession of the said Purchases, unto them and their Heirs for ever; any former Law, Usage, or Custom to the contrary in any wise notwithstanding. A.D. 1680.

Provided, That nothing in this Act contained, shall be construed to enable, or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which, by any of the Acts made in *England* concerning his Majesty's Plantations, he is disabled to do or execute.

An Act for raising a publick Revenue, for the better Support of the Government of this his Majesty's Colony of Virginia. No 3.

WHereas there is a great and continual Charge required for the Maintenance of the Governor, and several other Officers and Persons, as also for the Fort and Fortifications, besides many other contingent Expences, absolutely necessary for the Support of the Government of this Colony; Be it therefore Enacted, and it is hereby Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, That for every Hogshead of Tobacco, that shall at any time hereafter be exported out of this Colony, by Land or Water, to any other Place whatsoever, there shall be paid by the Exporter Two Shillings of current Money of *England*, as also for every Five hundred Pounds of Tobacco exported in Bulk, or otherwise, and so proportionably for a greater or lesser Quantity; the same to be to the King's most Excellent Majesty, his Heirs and Successors for ever, to and for the better Support of the Government of this his Majesty's Colony of *Virginia*, in such Manner as is herein before expressed; and to and for no other Use, Intent, or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That all Ships or Vessels whatsoever, coming to this Colony, or any Part thereof, shall respectively pay, for every Tun such Ship or Vessel shall contain, One half Pound of good and new Gunpowder, and Three Pounds of Leaden Shot, or One Shilling Three Pence Sterling in lieu thereof; as also Six Pence *per* Poll for every Person imported, not being actually a Mariner in Pay; the same to be also to the King's most Excellent Majesty, his Heirs and Successors for ever, for the better Support of the Government of this his Majesty's Colony of *Virginia*, in such Manner as is herein before expressed; and to and for no other Use, Intent, or Purpose whatsoever.

And for the better Discovery and preventing of Frauds, Be it further Enacted by the Authority aforesaid, That the Master of every Ship or Vessel shall deliver his Boatswain's Book to the Perusal of the respective Collectors, and make Oath of the Ttuth thereof, to the best of his Knowledge, and that the Mate, Boatswain, or any other Officer, Seaman, or other Persons, be also sworn, if there be Cause, for the Discovery of the Freight; and if any Master shall wittingly or willingly conceal any Part of his Freight, or make false Entry of the Burthen of his Ship or Vessel, or Number of Persons imported, as aforesaid, that then the said Master shall forfeit, for every such Offence, the Sum of One hundred Pounds Sterling, as also the Treble Duties for every Hogshead or Five hundred Pounds of Tobacco, and for every Tun concealed;

A.D. 1680. one Moiety to the Informer, and the other Moiety to the King's most Excellent Majesty, his Heirs and Successors, and for the Uses above-mentioned, and to be recovered by Action of Debt, Bill or Plaint, by virtue of this Act; against which no Essoign, Wager of Law, or Protection to be allowed to any Person so offending.

And it is hereby further Enacted by the Authority aforesaid, That the respective Master of every Ship and Vessel shall enter into a Bond of Twenty Pounds Sterling to the King's most Excellent Majesty, his Heirs and Successors, for the Payment of the Duties of so many Hogsheads, or Five hundred Pounds of Tobacco, as shall upon due Certificate appear to be entred in the Custom-house in *England*, more than shall be entred and paid to the respective Collectors and other Officers in *Virginia*, unless the said Collectors and Officers be fully satisfied of the true Number of Hogsheads, and Freight of the said Ships and Vessels; the said Bond to be made without any Fee, and to be void to all Intents as if never made, if not put in Suit upon due Certificate to be procured by the respective Collectors from the Custom-house in *England*, within One Year from the making thereof; which said Collectors, and other Officers, are hereby required to use their utmost Diligence in the due Execution of this Act, and shall be allowed their usual Salaries, or such other, as by the Governor or Commander in chief for the time being, with the Advice of the Council, shall be adjudged necessary for collecting the said Imposition; Which said Governor or Commander in chief for the time being, is also hereby further authorized and impowered, from time to time, with the Advice of the Council, as is before specified, to give such reasonable Allowances and Encouragement, as shall be adjudged fitting, not exceeding Ten *per Cent.* to such Masters of Ships, or other Persons, as shall give in true Accounts, and advance and pay down the above-mentioned Duties, either in Money, or good and sufficient Bills of Exchange, to the Satisfaction of the respective Collectors.

Provided always, and it is hereby Enacted and Declared by the Authority aforesaid, That the Act of Assembly, in the printed Book, Intituled, *Imposition of Two Shillings* per *Hogshead*, made at a Grand Assembly held at *James-City* the Twenty third of *March*, One thousand six hundred sixty one; also one other Act, Intituled, *An Act for the Imposition of Two Shillings* per *Hogshead*, made at *James-City* the Second of *December*, One thousand six hundred sixty two; also one other Act in the printed Book, Intituled, *Castle Duties to be paid*, made at a Grand Assembly holden at *James-City* the Twenty third of *March*, One thousand six hundred sixty one; and all other former Acts, for the raising or levying of Two Shillings *per* Hogshead Impost upon Tobaccoes exported out of this his Majesty's Colony of *Virginia*, or for raising or levying Castle Duties, Tunnage, or Head-money, be and are hereby, by virtue of this Act, fully Repealed and made Void to all Intents and Purposes; any thing in this Act, or any other Law, Satute, Custom, Usage, or Instructions whatsoever to the contrary notwithstanding.

Provided also, and it is hereby Enacted and Declared by the Authority aforesaid, That the Privilege of *Virginia* Owners of Ships, expressed and set down in the Hundred thirty fourth Act in the printed Book, Intituled, *Privilege of* Virginia *Owners*, made at *James-City* the Twenty third of *March*, One thousand six hundred sixty one; and one Act, made at *James-City* the Twentieth of *October*, One thousand six hundred sixty nine, intituled, *An Act for freeing* Virginia *Owners from Castle Duties*, shall be, and are hereby meant and intended to be in full Force, Power and Virtue, to the Benefit, Use, and Privilege of all and every such Owner or Owners; any thing in this Act, or any other Law, Statute, Custom, Usage, or Instructions whatsoever to the contrary notwithstanding.

A.D. 1680.

An Act for Continuation of the several Fortifications and Garrisons at the Heads of the Four great Rivers. Nº 4. Expired.

An Act for Cohabitation and Encouragement of Trade and Manufacture. Nº 5. Suspended.

An Act for Imposing and Ascertaining Attorneys Fees. Nº 6. Repeal'd, 1682.

An Act ascertaining the Time when Negro Children shall be Tythable. Nº 7.

WHereas it is deemed too hard and severe, that Children, as well Christians as Slaves, imported into this Colony, should be liable to Taxes before they are capable of working, Be it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That all Negro Children, imported or to be imported into this Colony, shall, within Three Months after the Publication of this Law, or after their Arrival, be brought to the County Court, where their Age shall be adjudged of by the Judges holding Court, and put upon Record; which said Negro or other Slaves, so brought to Court, adjudged and recorded, shall not be accounted Tythable, until he attains the Age of Twelve Years; any former Law, Usage, or Custom to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, and it is hereby Enacted, That no Christian Servants, imported into this Country, shall be Tythable, before they attain to the Age of Fourteen Years; any former Law, Usage, or Custom to the contrary notwithstanding.

An Act Licensing a Free Trade with Indians. Nº 8. Expired.

An

A.D. 1680.

No 9. Expired.

An Act ascertaining Allowances for Cask.

BE it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted, That, from and after the Publication of this Law, the Allowance for Cask for publick County and Parish Levies, and for Clerks and Sheriffs Fees, be Eight *per Cent.* and no more; and that all Sheriffs, or other Collectors of the same, shall allow the Planter, or others, Eight *per Cent.* for his Cask, as aforesaid, upon Penalty of paying, for refusing so to do, One hundred Pounds of Tobacco to the Party grieved, and to whom he shall deny such Allowance; and on due Proof made thereof, to be recovered by Action of Debt in any Court of Record, or before One single Justice of the Peace, if the same exceeds not Two hundred Pounds of Tobacco.

No 10.

An Act for preventing Negroes Insurrections.

WHereas the frequent Meetings of considerable Numbers of Negro Slaves, under Pretence of Feasts and Burials, is judged and deemed of dangerous Consequence; For the Prevention whereof for the future, Be it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is Enacted by the Authority aforesaid, That, from and after the Publication of this Law, it shall not be lawful for any Negro, or other Slave, to carry or arm himself with any Club, Staff, Gun, Sword, or any other Weapon of Defence or Offence, nor to go or depart from off his Master's Ground, without a Certificate from his Master, Mistress, or Overseer; and such Permission not to be granted, but upon particular and necessary Occasions; and every Negro or Slave so offending, not having Certificate, as aforesaid, shall be sent to the next Constable, who is hereby enjoyned and required to give the said Negro Twenty Lashes on the bare Back, well laid on, and so sent home to his said Master, Mistress, or Overseer.

AND it is further Enacted by the Authority aforesaid, That if any Negro, or other Slave, shall presume to lift up his Hand in Opposition against any Christian, shall, for every such Offence, upon due Proof made thereof, by the Oath of the Party before a Magistrate, have and receive Thirty Lashes on his bare Back, well laid on.

AND it is hereby further Enacted by the Authority aforesaid, That if any Negro, or other Slave, shall absent himself from his Master's Service, and lie hid and lurking in obscure Places, committing Injuries to the Inhabitants, and shall resist any Person that shall, by any lawful Authority, be employed to apprehend and take the said Negro, that then, in case of such Resistance, it shall be lawful for such Person or Persons to kill the said Negro or Slave, so lying out or resisting: And that this Law be once every Six Months published at the respective County Courts and Parish Churches within this Colony.

An

An Act for Presentation and Delivery of Grievances. №. 11.

FOrasmuch as it hath been too frequently the Practice of ill-disposed and seditious Persons, to deliver their Burgesses, and they to the Assembly, scandalous and seditious Papers, and to entitle and call them, *The Grievances of the Inhabitants*, of such County or Counties wherein they dwell, neither giving or presenting the same in lawful Manner, nor in Truth being known to any other his Majesty's good Subjects, whose Title they bear; Be it Enacted by the King's most Excellent Majesty, by and with the Consent of this General Assembly, and it is hereby Enacted by the Authority aforesaid, That the Sheriff of each County shall, before every Session of Assembly, appoint a Time and Place for presenting, giving, and receiving all County Grievances, which shall be signed by the Parties giving the same, and attested by the Clerk of the County Court, or chief Magistrate so to be; and all other private Propositions, or particular Aggrievances, shall be signed by the Party delivering the same, or not to be received into the Assembly.

An Act for prohibiting the Transportation of Raw Hides and Deer-skins. №. 12. Repeal'd.

An Act prohibiting unlawful Disturbances of Divine Service. №. 13.

BE it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That whosoever, from and after the Publication of this Act, shall appear in any Church or Chapel within this his Majesty's Colony, whilst the Minister is exercising his Ministerial Function, and shall disturb him by Words, or any other manner of Means whatsoever, or shall there appear in any unseemly or indecent Gesture, any Justice, Sheriff, or other Officers then present, shall put such Person or Persons so offending under Restraint, during Divine Service, who shall also, for the first Offence, be fined Two hundred Pounds of Tobacco, and Cask; and for every such Offence, as shall be by them, or any of them, committed after, in the like Quality, shall be fined Five hundred Pounds of like Tobacco and Cask for every such Offence; which Fines shall be levied by the Sheriff upon the Estate of the Person or Persons so offending, by virtue of a Warrant from a Justice of the Peace, for the Use of the Parish: And such Justice of the Peace, that shall refuse or neglect to put this Law into severe Execution, shall be fined Five hundred Pounds of Tobacco and Cask, to the Use of the Parish, for every such Neglect.

A.D. 1680.

N° 14. *An Act reviving and reinforcing an Act, made at James-City the Twentieth of October, One thousand six hundred sixty five, and putting the same in due Execution.*

BE it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That the Eighth Act of Assembly, made at *James-City* the Twentieth of *October*, One thousand six hundred sixty five, Intituled, *An Act concerning* Indians, be, and is hereby revived and reinforced, to the End the same be put in due and effectual Execution.

N° 15. *An Act for the well-clearing the Heads of Rivers and Creeks from Logs and Trees, for the more safe Passage of Sloops and Boats.*

WHereas the Neglect of clearing the Heads and other Parts of Rivers and Creeks from Logs, Trees, Roots of Trees, and other Rubbish, hath occasioned and endangered the Loss of several Sloops, Boats, Tobaccoes, and merchandizing Goods, in Carriage thereof to and from the Ships; For the better Prevention thereof for the future, Be it Enacted by the King's most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That, from and after the Publication of this Law, the respective Justices of the several County Courts, do annually in *June* or *July* Courts, appoint and order the Surveyors of the Rivers to clear all and all manner of Logs, Trees, Roots of Trees, and other Rubbish, as may any ways hurt and endanger any Sloop, Boat, or other Vessel, from out of the respective Rivers or Creeks, Heads, or Parts of any River or Rivers, Creek or Creeks, within their County and limited Bounds, as Surveyors; which said Clearing and Removal of all Logs, Trees, Roots of Trees, and other Rubbish, shall be, as aforesaid, annually ordered by the Justices to be done, and by the Surveyors thereto appointed effectually performed, according to the true Intent and Meaning of this Act, under such Pains and Penalties for every Delinquent and Offender, as are set down in the Seventy ninth Act of Assembly in the printed Book, Intituled, *Surveyors for Highways*: And if any shall presume to fall Trees into Rivers or Creeks, and not clear the same, the Offender shall be fined Five hundred Pounds of Tobacco for the first Offence, to the Use of the County; and for the second, One thousand Pounds of Tobacco, to the Use aforesaid.

N° 16. Repeal'd, 1696. *Additional Fees ascertained to County Court Clerks.*

At

At a GENERAL ASSEMBLY begun at *James-City* the 10th of *November*, 1682, in the 34th Year of the Reign of our Sovereign Lord King *Charles* II.

An Act to repeal a former Law, making Indians *and others Free.* №. 1.

A.D. 1682.

WHEREAS by the Twelfth Act of Assembly, held at *James-City* the Third Day of *October*, *Anno Domini*, One thousand six hundred and seventy, Intituled, *An Act declaring who shall be Slaves*, it is Enacted, That all Servants, not being Christians, being imported into this Country by Shipping, shall be Slaves; but what shall come by Land, shall serve, if Boys and Girls, until Thirty Years of Age; if Men or Women, Twelve Years, and no longer: And forasmuch as many Negroes, Moors and Mulattoes, and others, born of and in Heathenish, Idolatrous, Pagan, and Mahometan Parentage and Country, have heretofore, and hereafter may be purchased, procured, or otherwise obtained as Slaves, of, from, or out of such their Heathenish Country, by some well-disposed Christians, who, after such their obtaining and purchasing such Negro, Moor or Mulatto, as their Slaves, out of a pious Zeal, have wrought the Conversion of such Slave to the Christian Faith; (which by the Law of this Country doth not manumit them, or make them free) and after such their Conversion, it hath and may often happen, that such Owner or Master of such Slave, being, for some Reason, inforced to bring or send such Slave into this Country to sell or dispose of, for his Necessity or Advantage, he the said Master or Owner of such Servant, which, notwithstanding his Conversion, is really his Slave, or his Factor or Agent, must be constrained either to carry back or export again the said Slave to some other Place, where they may sell him for a Slave, or else depart from their just Right and Title to such Slave, and sell him here for no longer Time than the *English*, or other Christians, are to serve, to the great Loss and Damage of such Master or Owner, and to the great Discouragement of bringing in such Slaves for the future, and to no Advantage at all to the Planter or Buyer: And whereas those *Indians*, that are taken in War, or otherwise, by our Neighbouring *Indians*, Confederates or Tributaries to his Majesty, and this his Plantation of *Virginia*, are Slaves to them the said Neighbouring *Indians*, that so take them, and by them are likewise sold to his Majesty's Subjects here as

A.D. 1682. as Slaves; Be it therefore Enacted by the Governor, Council, and Burgesses of this General Assembly, and it is Enacted by the Authority thereof, That all the said recited Act of the Third of *October*, One thousand six hundred and seventy, be, and is hereby Repealed and made utterly Void, to all Intents and Purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That all Servants, except *Turks* and *Moors*, whilst in Amity with his Majesty, which, from and after the Publication of this Act, shall be brought or imported into this Country, either by Sea or Land, whether Negroes, Moors, Mulattoes, or *Indians*, who, and whose Parents, or Native Country, were not Christians at the time of the first Purchase of such Servant by some Christian, although afterwards and before such their Importation and bringing into this Country, they shall be converted to the Christian Faith: And all *Indians*, which shall hereafter be sold by our Neighbouring *Indians*, or any other Trafficking with us, as and for Slaves, are hereby adjudged, deemed, and taken, and shall be adjudged, deemed, and taken to be Slaves, to all Intents and Purposes; any Law, Custom, or Usage to the contrary notwithstanding.

N° 2. *An Act declaring* Indian *Women-Servants Tythable.*

WHereas it hath been doubted, whether *Indian* Women-Servants, sold to the *English* above the Age of Sixteen Years, be Tythable, Be it Enacted and Declared, and it is hereby Enacted and Declared by the Governor, Council, and Burgesses of this General Assembly, and the Authority thereof, That all *Indian* Women-Servants are and shall be Tythable, and ought to pay Levies in like manner as Negro Women, brought into this Country, do and ought to pay.

N° 3. *An Additional Act for the better preventing Insurrections by Negroes.*

WHereas a certain Act of Assembly, held at *James-City* the Eighth Day of *June*, in the Year of our Lord, One thousand six hundred and eighty, Intituled, *An Act preventing Negroes Insurrections*, hath not had it's intended Effect, for want of due Notice thereof being taken; It is Enacted by the Governor, Council, and Burgesses of this present General Assembly, and by the Authority thereof, That for the better putting the said Act in due Execution, the Church-wardens of each Parish in this Country, at the Charge of the Parish, by the first Day of *January* next, provide true Copies of this and the aforesaid Act, and make, or cause Entry thereof to be made in the Register-Book of the said Parish: And that the Minister or Reader of each Parish shall, twice every Year, *viz.* some one *Sunday* or Lord's Day, in each of the Months of *September* and *March*, in each Parish-Church or Chapel of Ease in each Parish, in time of Divine Service, after the Reading of the Second Lesson, read and publish both this present and the afore-recited Act, under Pain such Church-warden, Minister or Reader, making Default, to forfeit each of them Six hundred Pounds of Tobacco, one Half to the Informer, and the other Half to the Use of the Poor of the said Parish.

AND

And for the future better preventing of such Insurrections by Negroes or Slaves, Be it likewise Enacted, and it is hereby Enacted by the Authority aforesaid, That no Master or Overseer shall, at any time after the Twentieth Day of *January* next, knowingly permit or suffer, without the Leave or Licence of his or their Master or Overseer, any Negro or Slave, not properly belonging to him or them, to remain or be upon his or their Plantation, above the Space of Four Hours at any one time, contrary to the Intent of the afore-recited Act, upon Pain to forfeit, being thereof lawfully convicted before some one Justice of the Peace, within the County where the Fact shall be committed, by the Oath of Two Witnesses at the least, the Sum of Two hundred Pounds of Tobacco in Cask, for each Time so offending, to him or them that will sue for the same; for which the said Justice is hereby impowered to award Judgment and Execution. A.D. 1684.

An Act prohibiting the Exportation of any Iron, Wooll, Wooll-Fells, Skins, Hides, or Leather.

N° 4. Expired.

An Act directing how Commissions of Dedimus potestatem, *and other Writs, shall issue.*

N° 5.

WHereas the present Course of signing Commissions of *Dedimus potestatem*, Writs of Execution and Attachment, by the Governor in Causes depending in the General Court, is found by Experience to be very burthensome and grievous to Suitors, the Burgesses now assembled do pray, that it may be Enacted; and be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and by the Authority thereof, That all Writs or Commissions to examine Witnesses, called *Dedimus potestatem*, at the Request of either of the Parties, Plaintiff or Defendant, in any Cause now depending, or which shall or may hereafter depend in the General Court, shall and may be issued and signed by any One of the Honourable Council, in such Form, and according to such Rules and Directions, as are by Law already prescribed and laid down; and that all Writs of Execution, and Writs of Attachment, awarded by any Order or Judgment of the said Court, shall and may be issued forth of the Secretary's Office by the Clerk there attending, and for that Purpose authorized by the Secretary, and by him signed, without putting the Parties to the Trouble of attending, or sending to the Governor for his Sign, as hath been formerly used; and all such Writs to be Returnable to the Secretary's Office; any former Law, Custom, or Usage to the contrary notwithstanding.

A.D. 1682.

No 6. Obsolete.

An Act Repealing the Sixth Act of Assembly in June, 1680, *about Attorneys.*

No 7. Repeal'd, 1684.

An Act for Disbanding the present Soldiers in Garrison at the Forts at the Heads of the several Rivers, as also for the Raising of other Forces in their stead.

No 8.

An Act imposing further Penalties upon any Person or Persons, that shall publish or declare, that the Acts of Assembly of Virginia *are not of Force.*

THIS Assembly taking into their serious Consideration, that divers ill-disposed Persons, wickedly intending to invalid the Laws of this Country, and bring them into Contempt and Disrepute, have moved and stirred certain Doubts, whether there be any Laws in Force and Efficacy, so as to be binding to his Majesty's Subjects, being in this his Majesty's Dominion of *Virginia*: For preventing of such Mischiefs, Be it Enacted by the Governor, Council, and Burgesses of this General Assembly, and it is hereby Enacted and Declared, That if any Person or Persons shall, at any time or times after the publishing of this present Act, maliciously and advisedly utter, publish and declare, by Words or Writing, that the Acts of Assembly of *Virginia*, not repealed, expired, vacated, or annulled by the King's most Excellent Majesty, are not of Force or binding, within this his said Majesty's Dominion, to all his Majesty's Subjects inhabiting or being therein, such Person or Persons so offending, shall be adjudged, deemed and taken to be Factious and Seditious, and Contemners of the Laws, and being thereof lawfully convicted, shall, for the first Offence, be fined One thousand Pounds of Tobacco, and suffer one Month's Imprisonment, without Bail or Mainprize, and for the second Offence, Two thousand Pounds of Tobacco, and two Months Imprisonment, and for every such Offence after, double the Penalties and Forfeitures aforesaid; one Half of which Forfeitures to the King's Majesty, his Heirs and Successors, and the other Half to the Informer, to be recovered by Action of Debt in any of his Majesty's Courts in this his Majesty's Country; which said Penalties are to be added and imposed over and besides all other Punishments, that may be legally inflicted on such Offenders.

No 9. Repeal'd, 1684.

An Act Repealing an Exception in the Ninth Act of Assembly, Anno 1664.

An

A. D. 1682.

An Act that Witnesses be free from Arrests.

No 10.

FOrasmuch as many Persons, summoned or subpœna'd as Evidences in Causes depending in the Courts of this Country, many times fail in appearing, for Fear of being arrested when they appear at Courts as Witnesses, whereby many times many Inhabitants of this Country lose their Suits and just Dues; Be it Enacted by the Governor, Council, and Burgesses of this General Assembly, and be it Enacted by the Authority aforesaid, That from henceforth all Persons subpœna'd as Evidences or Witnesses in any Cause or Matter depending in any Court in *Virginia*, shall be free from Arrests for any Debt or Trespass, except at the King's Suit, during their Attendance at Courts, and their direct coming to Court, and returning Home.

An Act for the Encouragement of the Manufactures of Linnen and Woollen Cloth.

No 11. Repeal'd, 1684.

An Act for the Advancement of Manufacture of the Growth of this Country, and for the better and more speedy Payment of Debts and Levies.

No 12. Expired.

An Act for the Publick Levy.

No 13. Private.

At a General Assembly begun at *James-City* the 16th Day of *April*, in the 36th Year of the Reign of our Sovereign Lord *Charles* II. by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord God 1684.

An Act for altering the Time of holding General Courts. №. 1.

A.D. 1684.

FORASMUCH as by Experience it is found very grievous and burthensome to the Inhabitants of this Country, that the Two General Courts, held for this Country, in the Months of *September* and *November*, are, the one too early before Tobacco comes in Demand, and Ships Arrival into this Country, and *November* Court held in the depth of Winter, and so immediately following the other, as the Suitors can scarce return Home, before they are exposed to the Danger and Charge of returning again, to their great Hazard and Detriment, which might be prevented, if the General Courts were appointed to be held but twice in one Year, *viz.* the first General Court, according to a former Act, made the Fifth Day of *June*, One thousand six hundred sixty six, to begin the Fifteenth Day of *April*, and to hold Eighteen Days; and the second General Court to begin the Fifteenth Day of *October*, and to continue Eighteen Days, and no longer; Be it therefore Enacted by the Governor, Council, and Burgesses of this General Assembly, and by the Authority thereof; and it is hereby Enacted and Declared, That the first General Court in each Year begin upon the Fifteenth Day of *April*, if the same happen not upon a *Sunday*, and be held and continued Eighteen Days, not accounting *Sundays* in the Number; and the other General Court to begin upon the Fifteenth Day of *October*, if the same happen not to be on a *Sunday*, and then on the Day following, and to be held and continued Eighteen Days, not including *Sundays* in the said Number, and no longer; and that all and every Act and Acts, constituting the General Courts at any other Time or Times, be and are from henceforth Repeal'd and made Void, to all Intents and Purposes; any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

A.D. 1684.

Nº 2.

An Act for the better Preservation of the Peace of Virginia, *and preventing unlawful and treasonable Associations.*

WHereas many evil and ill-disposed Persons, Inhabitants of this his Majesty's Colony and Dominion of *Virginia*, contrary to their Duty and Allegiance, on or about the first Day of *May*, in the Thirty fourth Year of his Majesty's Reign, and divers other Days and Times, tumultuously and mutinously assembled and gathered together, to cut up and destroy all Tobacco Plants, and to perpetrate the same in a traiterous and rebellious Manner, with Force and Arms entred the Plantations of many of his Majesty's good Subjects of this Colony, resolving by open Force a general and total Destruction of all Tobacco Plants within this his Majesty's Dominion, to the hazarding the Subversion of the whole Government, and Ruin and Destruction of his Majesty's good Subjects, if, by God's Assistance, and the prudent Care and Conduct of the then Lieutenant Governor and Council, the Mutineers had not been timely prevented: For which Treasons and Rebellions against his Majesty, and this his Government, some notorious Actors have been indicted, convicted, and some of them executed, and suffered such Pains and Punishments, as for their Treasons and Rebellions they justly deserved. Now to the End and Purpose that none of his Majesty's Subjects may be at any time hereafter seduced by the specious Pretences of any Persons, that such tumultuous and mutinous Assemblies, to cut up and destroy Tobacco Plants, or any other the Crops or Labours of the Inhabitants of the said Colony, are but Riots and Trespasses; and to the End his Majesty's Subjects of this his Dominion may be better secured in their Estates and Possessions, the Burgesses of this present General Assembly pray that it may be Enacted, and be it Enacted by the Governor, Council, and Burgesses of this Assembly, That if any Person or Persons whatsoever, to the Number of Eight, or above, being assembled together, shall, at any time after the first Day of *June* now next ensuing, intend, go about, practise, or put in use with Force, unlawfully to cut, pull up, or destroy any Tobacco Plants, either in Beds or Hills, growing within the said Colony, or to destroy the same either curing or cured, either before the same is in Hogsheads, or afterwards, or to pull down, burn, or destroy the Houses, or other Places, where any such Tobacco shall be, or to pull down the Fences, or any Inclosures of any Tobacco Plants, with Intent to cut up and destroy the same; and such Person or Persons being commanded and required, in his Majesty's Name, by the Governor, or other Commander in chief, or any One of the Council, or One or more of the Justices of the Peace of the said Colony, commanding and requiring such Persons to disperse themselves, and peaceably to depart to their Habitations, shall continue together for the Space of Four Hours after such Proclamation made at or nigh the Place, where such Persons shall be so assembled, that then every such Person, so willingly assembled in forcible Manner, to do any of the Acts afore-mentioned, and continuing together, as aforesaid, and being thereof lawfully convicted, shall be deemed, declared, and adjudged to be Traytors, and shall suffer Pains of Death, as also lose and forfeit as in Cases of High Treason.

PROVIDED always, That no Person or Persons whatsoever, shall incur the Pains and Penalties hereby inflicted, unless he or they be prosecuted and indicted thereupon within Twelve Months after the Offence committed; any thing herein contained to the contrary notwithstanding.

An

A.D. 1684.

An Act Repealing an Act concerning the Pursuit of Run-aways. No 3. Obsolete.

An Act for the better Supply of the Country with Arms and Ammunition. No 4.

FOR the Encouragement of the Inhabitants of this his Majesty's Colony and Dominion of *Virginia*, to provide themselves with Arms and Ammunition for the Defence of this his Majesty's Country, and that they may appear well and completely furnished, when commanded to Musters, and other the King's Service, which many Persons have hitherto delayed to do, for that their Arms have been impressed and taken from them; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That all such Swords, Muskets, Pistols, Carbines, Guns, and other Arms and Furniture, as the habitants of this Country are already provided, or shall provide and furnish themselves with, for their necessary Use and Service, shall from henceforth be free and exempted from being impressed or taken from him or them that already are provided, or shall so provide or furnish himself; neither shall the same be liable to be taken by any Distress, Seizure, Attachment, or Execution; any Law, Usage, or Custom to the contrary notwithstanding.

AND be it further Enacted, That between this and the Five and twentieth Day of *March*, which shall be in the Year of our Lord, One thousand six hundred eighty six, That every Trooper, of the respective Counties of this Country, shall furnish and supply himself with a good able Horse, Saddle, and all Arms and Furniture, fit and complete for a Trooper: And that every Foot-Soldier shall furnish and supply himself with a Sword, Musket, and other Furniture, fit for a Soldier; and that each Trooper and Foot-Soldier be provided with Two Pounds of Powder, and Eight Pounds of Shot, and shall continually keep their Arms well fixed, clean, and fit for the King's Service.

AND be it further Enacted, That every Trooper, failing to supply himself within the Time aforesaid, with such Arms and Furniture, and not afterwards, keeping the same well fixed, shall forfeit Four hundred Pounds of Tobacco to his Majesty, for the Use of the County in which such Delinquent shall live, towards the providing of Colours, Drums, and Trumpets therein: And that every Foot-Soldier, so failing to provide himself within the Time aforesaid, and not keeping the same well fixed, shall forfeit Two hundred Pounds of Tobacco to his Majesty, for the Use aforesaid: And that all the Militia Officers of this Country take Care to see the Execution, and due Observation of this Act, in their several and respective Regiments, Troops, and Companies.

AND be it further Enacted by the Authority aforesaid, That every Colonel of a Regiment within this Country, shall, once every Year, upon the first *Thursday* in *October* yearly, cause a General Muster and Exercise of the Regiment under his Command, or oftner, if Occasion shall require; and that every Captain or Commander of any Troop of Horse and Foot Company within this Country, shall, once at the least in every Three Months, muster, train, and exercise the Troop or Company under his Command, to the End they may be the better fitted and enabled for his Majesty's and the Country's Service, when they shall be commanded thereunto.

An

A. D. 1684.

№ 5. **An Act Repealing the XLII and XLIII Acts of the printed Laws, and for building Prisons in each County, and for ascertaining Rules to each Prison.**

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and by the Authority of the same, That the Forty second Act of the printed Laws, Intituled, *Prisons to be built in each County*; and the Forty third Act of the said printed Laws, Intituled, *Dwellers within the Rules of any Prison, not to have the Benefit thereof*, be, and shall be Repealed, and the same, and every Clause and Article therein, and in each of them contained, is and are hereby Repealed, and made Null and Void, to all Intents and Purposes whatsoever.

AND be it further Enacted, That a good, strong, and substantial Prison, after the Form of *Virginia* Housing, be built and continued in each County some time before the First of *January* next, by the Justices of the Peace in their Sessions, and at the Charge of each County, under Penalty of being fined Five thousand Pounds of Tobacco, and of being answerable for any Escape, which shall be made for want of such sufficient Prison.

AND be it further Enacted, That the Justices of the Peace in each County be, and are hereby impowered, some time before the said first Day of *January*, to appoint, set, and lay out a certain Space, Distance, or Parcel of Lands, adjoyning or circumjacent to each Prison, not exceeding Eighty Poles square, to be a Place of Liberty and Privilege for each Prisoner, not committed for Treason or Felony, giving Bond, with good Security, to the Sheriff of the County, for his true Imprisonment, to walk and abide in for their Health and Refreshment; within which Compass, so long as such Prisoner, not committed for Treason or Felony, shall remain and continue, he shall not be adjudged to have made an Escape; any Law, Usage, or Custom to the contrary thereof notwithstanding.

AND for the better notifying and making known the Bounds of the Rules, and Places of Liberty or Privileges, to each Prison belonging, Be it further Enacted, That the Justices of each County do, some time before the First of *January* next aforesaid, go round the Bounds of such Rules, and Places of Liberty and Privileges, and by some Means mark out, notifie, and describe the said Bounds; and the same Bounds, so notified and described, to enter into and amongst the Records of the County Court.

PROVIDED always nevertheless, That all Counties, where such Prisons are already built and standing, shall be excused from building others; any thing herein contained to the contrary notwithstanding.

№ 6. Obsolete. **An Act to repeal the Act, giving Encouragement for the Linnen and Woollen Manufactures.**

An

A.D. 1684.

An Act for the better Defence of the Country.

Nº 7. Repeal'd, 1680.

An Act for lessening the Levies by Poll, and laying an Imposition on Liquors.

Nº 8. Expired.

An Act for the Publick Levy.

Nº 9. Ditto.

At a General Assembly begun at *James-City* the 1st Day of *October*, 1685, and in the 1st Year of the Reign of our Sovereign Lord King *James* II. of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.* and thence prorogued, by several Prorogations, to the 20th Day of *October*, 1686.

An Additional Act about Run-aways. No 1.

BE it Enacted by the Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That the first Act of Assembly, made at *James-City* the Third of *October*, One thousand six hundred and seventy, Intituled, *An Act concerning Run-aways*, be continued and confirmed, with the following Alterations and Amendments, That every Certificate, for taking up any One or more Servant or Servants, run away from his or her Master or Mistress, before the same be admitted into the Assembly for Allowance, shall make mention of their Master or Mistress, their proper Name and Sirname, the County where they dwell, Time of taking up the said Servant, and Distance of Place where taken up from the dwelling Plantation of such Servant's Master or Mistress, together with the proper Name and Sirname of such Servant; and at the same Sessions of Assembly, when such Certificate shall be allowed, the like Sum be assessed upon the Master or Mistress of such Run-away Servant or Servants, for which he or she shall be reimbursed by the Service of such delinquent Servant, according as by the aforesaid Act is provided for Reimbursement of the Publick; and that all such Certificates come proved from the County Courts, as all other Claims are enjoyned to be brought to the Assembly for Allowance. *A. D. 1686.*

An

A.D. 1686.

Nº 2. **An Act declaring Maryland and North Carolina Debts Pleadable.**

BE it Enacted by the Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That all Debts, contracted, or to be contracted, in *Maryland* or *North Carolina*, are and shall be recoverable in *Virginia*, in equal Manner, and by the same lawful Ways and Means, as though the same were or had been contracted in *Virginia*; any Law, Statute, or Usage heretofore to the contrary notwithstanding.

Nº 3. Expired. **An Act reviving the Act, Intituled, An Act for the Advancement of Manufactures of the Growth of this Country.**

Nº 4. Obsolete. **An Act Repealing the Seventeenth Act of Assembly in June 1680.**

Nº 5. Repeal'd, 1696. **An Act ascertaining Days for Courts in Accomack County.**

Nº 6. Expired. **An Act Regulating the Tare of Tobacco Hogsheads.**

Nº 7. **An Act declaring the CVII Act of Assembly, made the Twenty third Day of March, 1661-2, to be in Force.**

WHereas several Doubts have arisen, and do daily arise, whether the Hundred and seventh Act, made at *James-City* the Twenty third of *March*, One thousand six hundred sixty one, two, Intituled, *No Seconds or Slips*, be not repealed by a later Act of Assembly, made at *James-City* the Twenty ninth of *September*, One thousand six hundred sixty four, Intituled, *An Act for Liberty to plant*, and divers Persons do thereupon endeavour to excuse, as well their tending such Seconds and Slips, as their packing, selling, and sending away ground Leaves, and other Trash, with the Notion and Colour of being suffered to make the Benefit of their Labour, when indeed no such Trash was thereby ever intended to be permitted and allowed; Be it Enacted by the Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That the said Hundred and seventh Act of Assembly, made at *James-City* the Twenty third of *March*, One thousand six hundred sixty one,

A two,

two, Intituled, *No Seconds or Slips*, be now continued in full Force, Power, and Virtue, with this Alteration and Amendment, That, from and after this Session of Assembly, every Person or Persons, that shall be found guilty of Breach of the said Law, or any Branch thereof, shall, for such Offence, forfeit, suffer, and pay such Forfeitures, Penalties, and Fines, as is therein mentioned and ordained to be forfeited, paid, and suffered; one Moiety to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of the Government of this his Majesty's Dominion of *Virginia*, and the contingent Charges thereof; the other Moiety to him or them, that shall inform and sue for the same in any Court of Record within this his Majesty's Dominion of *Virginia*, by Bill, Information, Plaint, or other Action, wherein no Essoign, Protection, or Wager of Law shall be allowed. *A. D. 1686.*

AND forasmuch as several Persons strip the Stalks out of the Leaf of their Tobaccoes in this Country, and then afterwards ship the said Tobacco Stalks for *England*, with Intention to defraud his Majesty of his Duties here, and his Customs there, when it doth arrive, and the Price of Tobacco, by that Practice, also further lessened and diminished; Be it therefore Enacted by the Authority aforesaid; and it is hereby Enacted, That whosoever shall ship any Tobacco Stalks, from which the Leaf has been stripped, and taken away, for Exportation out of this Country, shall, for every Pound of such Tobacco Stalks, forfeit and pay Fifty Pounds of Tobacco, to the Uses aforesaid, to be recovered in Manner aforesaid.

An Act for the better Improving the Breed of Horses.

No 8. Expired.

An Act Repealing the Seventh Act of Assembly at James City, *the Sixteenth of* April, 1684.

No 9. Obsolete.

An Act continuing the Imposition on Liquors.

No 10. Expired.

An Act for Raising a Publick Levy.

No 11. *Ditto.*

At a General Assembly begun at *James-City* the 16th Day of *April*, *Anno* 1691, and in the 3d Year of the Reign of our Sovereign Lord and Lady, *William* and *Mary*, by the Grace of God, King and Queen of *England*, *Scotland*, *France*, and *Ireland*, Defenders of the Faith, *&c.*

An Act giving Reward for killing Wolves. No 1.

A.D. 1691.

WHEREAS it is found, by frequent Experience, since the several former Acts of this Country, giving Reward for killing of Wolves, have been repealed, and the Encouragement, which incited many People to use their best Endeavour and Industry to destroy them, wholly taken away, that Wolves have, and do daily increase in Number, and that frequent Spoil and Destruction, in every Part of this Country, is by them made upon Hogs, Sheep, and Cattle, to the great Injury, Damage and Loss of the Inhabitants; Be it therefore Enacted by their Majesties Lieutenant Governor, Council, and the Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That whosoever hereafter shall kill and destroy Wolves, either by Gun, Pit, Trap, or other Means or Ways whatsoever, shall, for every Wolf so killed and destroyed, be paid, in the County where the same is done by Pit or Trap, Three hundred Pounds of Tobacco, and Cask; and for a Wolf killed by Gun, or otherwise, Two hundred Pounds of Tobacco, and Cask, for his Encouragement and Reward; any Law, Usage, or Custom to the contrary notwithstanding.

Provided always, and it is hereby intended, That whosoever shall kill a Wolf, shall make Proof before the next Justice of the Peace of that County, at least by his own Corporal Oath, or other sufficient Proof, at the Discretion of the Justice, how, when, and where he killed the said Wolf, and also bring in his Head, and take from the said Justice of the Peace a Certificate thereof; which being produced to the County Court at the proportioning of the Levy, shall be sufficient to cause the said Court to raise upon the County the several Sums and Rewards before-mentioned, to be paid unto such Persons, as by such Service shall deserve the same.

An

A.D. 1691.

N° 2. *An Act directing how Publick Claims shall be certified for Allowance.*

BE it Enacted by the Right Honourable their Majesties Lieutenant Governor, the Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That for the time to come there be constant Courts held by the Justices in each County, at some convenient Time before every Assembly, for Proof of such Debts, as shall be due by Law from the Country, and that Certificates, together with a full Account of all Particulars claimed, and by what Authority, and for what Services the same became due, be issued by the Clerk of each Court, endorsed upon the Account claimed, and be delivered to the Burgesses of that County, in order to the Allowance in the Assembly; which Proof shall be made at least by the Oath of the Party claiming, and producing the Warrant or Certificate, by which he claims, or other sufficient Proof; and that the Court do, and are hereby enjoyned, strictly to inspect, and seriously to consider every Article of the Account so exhibited, and regulate the same according to Law: And that the Clerk, in full of all Fees due to him for every Person that claims, and hath Certificate granted, be allowed Twenty Pounds of Tobacco from the Country, where the Claim amounts to One hundred Pounds of Tobacco, or more; if under, to be done *ex officio.*

PROVIDED always, That all Claimers, intending to receive Benefit by this Act, do and shall make Proof of their Claims, as aforesaid, and return the same to the first or second succeeding Assembly after the said Claims become due, otherwise to be excluded and barred for ever: And also, that every Sheriff, in this their Majesties Dominion of *Virginia*, shall not for the future have or receive from the County any Satisfaction for publick Services by him or them done, more than what is already set, done, expressed, and ascertained in the Law, nominating and appointing Sheriffs Fees.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That this Act shall be read and published at every Parish-Church in each County, by the Sheriff of the County, or his Deputy, on the *Sunday* next preceding such Court, and likewise that this Act be constantly read by the Clerk at the first Opening of every such Court.

N° 3. *An Act prohibiting Ordinary-keepers to give Credit to Seamen and others.*

FOrasmuch as the unlimited Credit, given by Ordinary-keepers and Tipling-houses, within this their Majesties Country and Dominion of *Virginia*, to Seamen and others, where they not only spend their ready Money, but their Wages and other Goods, which should be for the Support of themselves and Families, is found very prejudicial, and occasions many Persons newly free, to run away to the neighbouring Plantations, to the great Disadvantage of this Country; Be it therefore Enacted by the Right Honourable their Majesties Lieutenant Governor, the Council and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That if any Ordinary-keeper, or Master of a Tipling-house, shall, after Publication of

this Act, trust, or sell Drink to any Person or Persons, who are not Masters of Two Servants, or being visibly worth Fifty Pounds Sterling at least, more than the Value of Three hundred Pounds of Tobacco, such Ordinary-keeper, or Master of a Tipling-house, shall lose all such overplus Tobacco or Money, for which they shall give such Credit: And in case any Ordinary-keeper, or Master of a Tipling-house, shall take or get from any Person trusted, as aforesaid, any Obligation, Bill, or other Security, for any Sum above Three hundred Pounds of Tobacco spent in one Year, under Pretence that it is for other Goods, where any such Fraud shall be discovered and proved, the said Ordinary-keeper shall, upon Conviction, be made incapable of keeping Ordinary, and shall forfeit double the Sum of such Obligation so covetously taken; one Half to their Majesties, their Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof, and the other Half to him or them that shall inform and sue for the same in any Court of Record of this Country, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed. A.D. 1691.

And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, That if any Ordinary-keeper, or Master of a Tipling-house, shall, after Prohibition, or being forewarned by the Master of any Ship or Vessel trading to this Country, entertain any of the Seamen belonging to any such Ship or Vessel, such Ordinary-keeper, or Master of a Tipling-house, shall be, for such Offence, liable to the Master's Complaint, wherein, upon sufficient Proof made, such Damages shall be allowed, as is provided in the Act against Entertainment of other Mens Servants.

Provided, That this Act, or any thing therein contained, shall not extend to the Ordinary-keepers of *James-City*, giving Credit to any Person whatsoever in the time of the General Court, or during the Sitting of a General Assembly; any thing aforesaid to the contrary notwithstanding.

An Act to prevent the casting of Ballast into Rivers and Creeks. No 4.

Forasmuch as the throwing and casting of Stones, Gravel, and other Ballast, out of the Ships and Vessels arriving in the Rivers, Creeks, and Ports of this their Majesties Country and Dominion of *Virginia*, is found very destructive and dangerous to the Passage of Vessels, Sloops, and Boats, and a Stopping to the Chanels of the said Creeks: For the Prevention of which Mischief, Be it Enacted by their Majesties Lieutenant Governor, Council, and Burgesses of this General Assembly, and the Authority thereof, and it is hereby Enacted, That, from and after the Twenty fourth Day of *June* now next coming, no Master or Masters, Owner or Owners of any Ship, Sloop, Boat, or other Vessel, or any other Person or Persons whatsoever, do cast or unload their Gravel or Ballast at or in any of the Rivers, Creeks, Ports, Havens or Harbours of this Country, but on the Land only above High-water Mark, upon Pain that every such Owner, Master of a Ship, Sloop, Boat, or other Vessel, casting or laying their Gravel-stones, or other Ballast, or permitting the same to be so cast or laid into any of the Rivers, Creeks, or Harbours of this Country, shall forfeit, for every time so offending, the Sum of Ten Pounds Sterling; one Half thereof to be to their Majesties, their Heirs and Successors, for and towards the better Support of the Government of this their Majesties Dominion of *Virginia*, and the contingent Charges thereof, and the other Half to him or them that will sue for the same in any Court of Record within this their Majesties Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

A.D. 1691. PROVIDED always neverthelefs, That if it fhall hereafter appear to the Juftices of the Court of any County within this Dominion, in which any Ship or Veffel fhall happen to ride, that the throwing or cafting of Ballaft into the Roads or Rivers within fuch County, fhall be of Advantage to fuch Roads or Rivers, for the better mooring and fecuring of Ships and Veffels there, it fhall and may be lawful, in fuch cafe, for the Juftices of the Peace of fuch County, upon Requeft of the Mafters of fuch Ships, as fhall ufually ride and moor in fuch Roads and Rivers, as aforefaid, to permit, fuffer, and give Liberty, by an Act of Court, to fuch Mafters, as, in Manner aforefaid, fhall requeft the fame, to throw and caft over their Ballaft into fuch Road or River; any thing aforefaid in this Act contained to the contrary notwithftanding.

N° 5.

An Act directing how Sheriffs and Collectors fhall account for Publick Dues.

WHereas feveral Perfons have been, and ftill are liable to be prejudiced by the Remifnefs of Sheriffs and Collectors of the Publick County and Parifh Levies, who often take their own advantagious Times to demand and receive the Publick Dues and other Collections, for which they may, in feveral Cafes, make Seizure and Diftrefs: For Prevention whereof for the future, Be it Enacted by the Right Honourable their Majefties Lieutenant Governor, the Council, and Burgeffes of this prefent General Affembly, and the Authority thereof; and it is hereby Enacted, That the Eightieth Act of Affembly in the printed Book of Acts, limiting a certain Time when Creditors fhall demand their Debts, fhall be interpreted and holden to extend to Sheriffs, and other Collectors of the Publick County and Parifh Levies, and of all Sheriffs and Clerks Fees; and alfo, that all Publick County and Parifh Debtors, and all Debtors of and for Sheriffs or Clerks Fees, may have the Benefit and Liberty of the Second Act of Affembly, in the Year One thoufand fix hundred fixty fix, which admits of Tenders of Tobacco to the Creditor, according to the full Intent, Meaning, and Purport thereof.

AND be it further Enacted by the Authority aforefaid; and it is hereby Enacted, That in cafe of collecting the Publick County or Parifh Dues, or other Fees, as aforefaid, any Sheriff or Collector fhall at any time make Seizure or Diftrefs of more Tobacco than is at that time due from the Debtor, that in all fuch Cafes the Perfon feizing, fhall make immediate Satisfaction to the Party from whom they fhall make fuch Seizure, or otherwife, that he be allowed to take his overplus Tobacco out of the Hogfhead fo feized; and that no Sheriff, or Publick Collector, fhall or may, from and after the Publication of this Act, prefume to make Seizure of any Hogfhead of Tobacco before that time paid away and marked, if there be at that time other merchantable Tobacco ready in fuch Plantation, where fuch Seizure is made, and which fhall be offered and tendred by the Debtor.

AND be it further Enacted by the Authority aforefaid; and it is hereby Enacted, That all Sheriffs, and Collectors of Publick County and Parifh Levies, fhall, on or before the Thirty firft of *January* yearly, produce and prefent to the Juftices of the Peace of that County of which he is Sheriff or Collector, at fuch convenient Time, as the faid Juftices fhall appoint his the faid Sheriff's or Collector's Book, kept by him, of his whole Collection, as well of all Publick Dues, as aforefaid, as alfo of all Sheriffs and Clerks Fees, or private Debts put into his Hands to collect, and collected together with the Publick Dues, together with a true, full, and perfect Account of the Quantity, Quality,

lity, and Weight of all Tobaccoes received by him, as well for the Publick County and Parish, as for Sheriffs Fees, Clerks Fees, and private Debts, with a true Account from whom the same was received, and where the same lies; which said Account is to be delivered upon the Oath of each respective Sheriff or Collector: And to the End the Publick Credit of this Country may be well answered and discharged, the Justices of each County be and are hereby impowered and required throughly to examine the said Accounts in Presence of the several Creditors, who are to have Notice of the Time of the Examination of such Accounts at the preceding Court held for the said County; and that the said Justices order and appoint, to each of the said Creditors, and to other Persons concerned in Sheriffs and Clerks Fees, and private Debts, intermixed in the said Sheriffs and Collectors Book of Accounts, their and every of their due Part and Proportion of the Tobacco received and accounted for, as aforesaid, having due Regard to the Quality and Conveniency of the said Tobaccoes, to the End each Person concerned may have equal Right therein; and that it shall not be lawful for any Sheriff or Sheriffs, Publick Collector or Collectors, to convert to his or their own Use, directly or indirectly, any Part or Parcel of the Tobacces so received or collected, or to be received or collected by him or them, until the Account thereof be presented, examined, and ordered, as aforesaid, under the Penalty of forfeiting Four times the Value of such Tobaccoes so converted to his own Use; One third Part of which said Forfeiture shall be to their Majesties, their Heirs and Successors, towards the better Support of the Government of this their Majesties Dominion of *Virginia*, and the contingent Charges thereof; One third Part to the Governor of this their Majesties Dominion of *Virginia*, and the other Third Part to him or them that shall sue for the same in any Court of Record within this their Majesties Dominion, by Bill, Information, Plaint, or other Action, wherein no Essoign, Protection, or Wager of Law shall be allowed. *A.D.* 1691.

Provided always, That it shall and may be lawful, to and for every such Sheriff and Collector, and they, and every of them, are hereby required to discount with all and every the Creditor or Creditors of the Publick County and Parish Levies, the full Sum and Quantity due to them of the said Levies, out of his, her, or their Levies, due from them to the Publick County or Parish, without any Allowance for the same; and Provided, That all and every the Sheriffs and Collectors aforesaid, shall be liable to make good all Tobaccoes to be received by them, as aforesaid, if it shall appear that the same, or any Part thereof, shall be rotten, unsound, insufficient, or not merchantable, within Ten Days after the same shall be ordered and appointed to the Creditors, as before is directed, after which Time all the said Tobaccoes shall lie and be on the Creditors Account and Hazard.

Provided also, That nothing herein shall be construed, deemed, or taken to extend to their Majesties Quit-Rents, or other Dues, but that the same be excepted out of this Act.

An Act reviving the Act for the Advancement of the Manufactures of the Growth of this Country.

No 6. Expired.

An

A.D. 1691.

No 7. Expired. **An Act reviving the Sixth Act of Assembly at James-City the Twentieth of October, 1686, Regulating the Tare of Tobacco Hogsheads.**

No 8. Suspended. **An Act for Ports, &c.**

No 9. **An Act for a Free Trade with Indians.**

BE it Enacted by their Majesties Lieutenant Governor, the Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That all former Clauses of former Acts of Assembly, limiting, restraining, and prohibiting Trade with *Indians*, be and stand hereby Repealed, and they are hereby Repealed; and that from henceforth there be a free and open Trade for all Persons, at all Times, and at all Places, with all *Indians* whatsoever.

AND for the future Prevention of such Mischiefs, as have frequently happened at Huntings, commonly called Fire-Huntings, and other Huntings, remote from the Plantations, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person or Persons whatsoever, shall hereafter presume to go on Hunting remote from the *English* Plantations, without first having obtained the Licence and Permission of their Majesties Lieutenant Governor, or Commander in chief for the time being, and the Council of State, under such Restrictions, Limitations, and Conditions, as at the time of giving such Permission shall be by them thought fit to be enjoyned and appointed.

No 10. **An Act to prevent Horses running at large, and barking Fruit-trees.**

FOrasmuch as sundry Horses, Mares, and Colts, running in the Woods at large, do often prove very injurious to the Inhabitants of this Country, by breaking into Orchards, and barking and destroying Fruit-trees, and committing sundry other Mischiefs: For Prevention whereof for the future, Be it Enacted by their Majesties Lieutenant Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the First Day of *October* next, all and every Owner or Owners of such Horse or Horses, Mares, and Colts, shall well and sufficiently keep and secure him or them within their own fenced Grounds; and in case that at any time after the said First Day of *October*, any such Horse or Horses shall be found running at large, and without such fenced Grounds, and shall be taken up and delivered to the Owner or Owners thereof, such Owner or

Owners

Owners shall pay, to the Person delivering the same, and making good Proof by his own Corporal Oath, and One other Evidence, before some One of their Majesties Justices of the Peace for the County where such Owner shall dwell, of his so taking up the said Horse or Horses, without any Means by him, or by any other Person to his Knowledge, used for setting at Liberty such Horse so taken up, One hundred Pounds of Tobacco, and Cask, for each Horse. *A.D.* 1691.

AND be it further Enacted by the Authority aforesaid, That if at any time after the said First Day of *October*, any such Horse or Horses shall break into any Orchard or Garden, and spoil, bark, or destroy any Fruit-tree or Trees, the Owner or Owners of such Horse or Horses shall pay to the Party injured, as aforesaid, and that shall make sufficient Proof of the same, The Sum of Two hundred Pounds of Tobacco, and Cask, for the first Trespass, and for such Horse or Horses second Trespass, proved as aforesaid, Four hundred Pounds of Tobacco, and Cask, to be recovered by Action of Debt in any Court of Judicature within this Colony; and if any Horse or Horses shall the third time commit any such Mischief, it shall and may be lawful for any Person or Persons, injured thereby, as aforesaid, and having sufficient Proof thereof, to kill and destroy any such Horse and Horses, either by Gun or otherwise: Always Provided, That every Owner or Owners of any Orchard or Fruit-trees, intending to take the Benefit of this Act, shall, from time to time, and at all times, after the said First Day of *October* next, well and sufficiently fence and inclose such Orchards or Fruit-trees with a good, strong, and substantial Fence, Four Foot and an half high at the least.

PROVIDED always, and it is the true Intent and Meaning of this Act, That the Penalty of One hundred Pounds of Tobacco, imposed on the Owners of such Horses, Mares, Colts, *&c.* as shall be found running at large without fenced Grounds, shall be understood, deemed, and taken to extend to the Owners of such Horses, Mares, and Colts only, as are notoriously known to be Barkers and Destroyers of Fruit-trees, intended to be prevented by this Act, and which may be proved such by sufficient Witnesses, although not taken in the actual Doing thereof, and to no other; any thing in this Act heretofore contained to the contrary notwithstanding.

An Act for the more effectual suppressing the several Sins and Offences of Swearing, Cursing, Profaning God's Holy Name, Sabbath-abusing, Drunkenness, Fornication, and Adultery.

No 11. Repeal'd, 1696.

An Act declaring the Duties of Tanners, Curriers, and Shoemakers.

No 12.

FOrasmuch as divers and sundry Deceits and Abuses have been hitherto committed, and daily are committed and practised by the Tanners, Curriers, and Workers of Leather, of this their Majesties Colony and Dominion of *Virginia*, to the great Injury and Damage of the Inhabitants thereof; For Prevention of which for the future, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the Twenty ninth Day of *March* next coming, no Person or Persons whatsoever, which shall,

 after

A.D. 1691. after the said Twenty ninth Day of *March*, occupy or use, by him or themselves, or by any other Person or Persons, the Craft or Mystery of Tanning of Leather, shall suffer any Hide or Skin to lie in the Limes till the same be overlimed, nor shall put any Hides or Skins into any Tan-Fats, before the Lime be well and perfectly sokened and wrought out of them, and every of them, nor shall, after the said Twenty ninth Day of *March*, put to Sale any Tanned Hides or Skins, but such as shall be first viewed, approved, and sealed by the Viewers hereafter in this Act appointed, upon Forfeiture of such Hides, Skins, or Leather so offered or put to Sale.

And forasmuch as no Leather can be so well tanned, but it may be marred and spoiled in the Currying, Be it therefore Enacted by the Authority aforesaid; and it is hereby Enacted, That, from and after the said Twenty ninth Day of *March* next coming, no Person or Persons shall curry any kind of Leather, except it be well and perfectly tanned, nor shall, after the said Twenty ninth Day of *March* next, curry any Hide or Skin, not being throughly dry after his wet Season, with any other than good Stuff, nor with less of that than the Leather will receive, nor shall curry any kind of Leather meet for Over-Leather, and Inner Soles, but with good and sufficient Stuff, being fresh, and not salt, upon Pain of forfeiture, for every such Offence, Ten Shillings to the Owner of each Hide or Skin so damnified.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Court of each respective County for the time being, shall appoint One or more fit Person or Persons, from time to time, to search and try all such Curried Leather, and shall, with a Seal therefore to be prepared with convenient Speed, after Currying and Request made, seal such Leather, as they shall find sufficiently curried, taking for every Hide so sealed, after the Rate of Two Shillings Six Pence for the Dicker, or Ten Hides, and for every Six Dozen of Calve Skins, Two Shillings and Six Pence, and no more; to be paid by the Owner of the said Hides or Skins.

And forasmuch as Leather, well Tanned and Curried, may, by the Negligence, Deceit, or evil Workmanship of the Cordwainer or Shoemaker, be used deceitfully, to the Hurt of the Occupier or Wearer thereof, Be it therefore Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person or Persons, which, after the said Twenty ninth Day of *March* next coming, shall occupy the Mystery or Occupation of a Cordwainer or Shoemaker, shall make, or cause to be made, any Boots, Shoes, Slippers, or any Part of them, of *Virginia* Leather not Curried, other than Deer Skins, Calve Skins, or Goat Skins, made and dressed, or to be made and dressed, like unto *Spanish* Leather, but of Leather well and truly Tanned and Curried, in Manner and Form aforesaid, or of Leather well and truly Tanned only, and well and substantially sewed with good Thread, well twisted and made, and sufficiently waxed with Wax, well rozin'd, and the Stitches hard drawn with Hand-Leathers.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Justices of each respective County within this Colony, shall appoint and swear yearly One or more Persons, of the most honest and skilful Men within their Counties, to search and view within the Precincts of their said Offices, which shall, as often as they shall think good, or Need shall be, make like Search within their Limits, and shall have a Mark or Seal prepared for that Purpose, and that the said Searchers, or One of them, shall keep the same Seal or Mark, and with the same shall seal or mark such Leather, as they shall find sufficient, and no other; and if the said Searchers, or any of them, do find any Leather sold, or offered to be sold, which shall be tanned, wrought, converted, or used, contrary to the true Intent and Meaning of this Act, or any Leather insufficiently curried, or any Boots, Shoes, Bridles, or any other Thing made of Tanned or Curried Leather, insufficiently tanned, curried, or wrought, contrary to the Provision in this present Act, it shall be lawful to the

the said Searchers, or any of them, to seize all such Leather, Shoes, or other Wares made of Leather, and to retain the same in their Custody until such Time that the same shall be tried by such Triers, and in such Manner and Form, as is hereafter in this Act appointed.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Justices of each respective County, within whose Precincts any such Seizure, of any kind of Tanned Leather, red or curried, or of any Shoes, Boots, or other Wares made of Tanned Leather, shall happen to be, shall, with all convenient Speed, after Notice unto them given of any such Seizure, appoint Six honest and expert Men, to try whether the same Leather, Boots, or Shoes, or other Wares so seized, be sufficient, and according to the true Intent and Meaning of this Act, or not; the same Trial to be made openly upon the next Court-Day after such Seizure.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That each of the said Persons, so elected and appointed for the Trial of the said Leather, Shoes, Boots, and other Wares made of Tanned Leather, so to be seized, as aforesaid, shall proceed and do their Duties therein without Delay, according to the true Intent and Meaning of this present Act, upon Pain that every of them, making Default herein, shall be fined at the Discretion of the Court of the said County.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Searcher or Sealer of Leather shall refuse, with convenient Speed, to seal any Leather sufficiently tanned, wrought, or used, according to the true Meaning of this present Act, that then every such Searcher or Sealer shall forfeit, for every such Offence, Forty Shillings; and further, if any Searcher of Leather shall receive any Bribe, or exact any other Fee for the Execution of his said Office, than is by this present Law limited for the searching and sealing of Leather, then every such Searcher or Sealer so offending, shall forfeit, for every such Offence, Twenty Pounds Sterling; and that if any Person or Persons, duly elected, according to the true Meaning of this present Act, to and for the Execution of the said Office of searching or sealing of Leather, refuse to execute the said Office, that then the Person or Persons so refusing, shall forfeit and pay Five Pounds Sterling.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person will, after the said Twenty ninth Day of *March* next coming, wilfully withstand or deny any such Search to be made, according to the Tenor of this Act, as is aforesaid, or will not suffer the said Tryers and Searchers so appointed to enter into his or their House or Houses, or other Places, to view and search at their Will and Pleasure all manner of Tanned Leather, and all manner of Shoes, Boots, Mails, Saddles, and all manner of Wares wrought and made, or to be wrought and made of Leather, and to seize and carry away all such Leather, Shoes, and Wares, as they shall find insufficiently tanned, curried, or wrought, or made of ill Stuff, that then all and every such Person and Persons, so denying and withstanding, and not suffering the said Tryers and Searchers, or any of them, so appointed for the time being, to enter and make Search and Seizure, as is aforesaid, shall lose and forfeit, for every time so denying and withstanding, Five Pounds Sterling.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall not be lawful for any Person or Persons to buy, sell, or exchange any Tanned Leather, before the same shall be searched or sealed, upon Pain to forfeit the said Leather, and the Value thereof, so bought, sold, or exchanged, and not searched and sealed.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Curryer, after the said Twenty ninth Day of *March* next coming, do curry any Leather insufficiently tanned, or, after the said Twenty ninth Day of *March* do not curry such Leather, as he doth, substantially

A.D. 1691. ſtantially and well, according to the Meaning and Purport of this Act; or if any Shoemaker, Cordwainer, or Cobler, after the ſaid Twenty ninth Day of *March*, put any Tanned Leather into any Shoes, Boots, Slippers, or other Things made of Tanned Leather, which ſhall not be well and perfectly tanned, according to the Purport and true Meaning of this Act; or, after the ſaid Twenty ninth Day of *March*, do put any Curried Leather into any Boots, Shoes, Slippers, or other Things made of Leather, which ſhall not be well and ſufficiently tanned and curried, and alſo ſealed, as aforeſaid, or do make Boots, Shoes, Slippers, or other Things made of Tanned Leather, in any other Manner than is above ſpecified and ordained; or if any Shoemaker, Sadler, or other Artificer uſing, cutting, or working of Leather, do make any Wares of any Tanned Leather inſufficiently tanned, or of Tanned and Curried Leather, being not ſufficiently tanned and curried, as is aforeſaid, or do not make their Wares, belonging to their ſeveral Occupations, ſufficiently and ſubſtantially, that then every Perſon ſo offending, ſhall forfeit, for every ſuch ſeveral Offence or Default, the ſaid Wares, and the juſt Value thereof; all which Pains, Penalties, and Forfeitures aforeſaid, of Sums of Money aforeſaid, ſhall be divided into Three equal Parts, one Part thereof ſhall be to our Sovereign Lord and Lady, the King and Queen, their Heirs and Succeſſors, towards the better Support of the Government of this their Majeſties Colony and Dominion of *Virginia*, and the contingent Charges thereof, and another Third Part thereof to him or them that ſhall firſt ſue for the ſame in any Court of Record within this Colony, by Action of Debt, Bill, Plaint, or Information, or otherwiſe, in which Suit no Eſſoign, Protection, or Wager of Law, ſhall be admitted or allowed; and the other Third Part thereof ſhall be diſpoſed of by the Court of ſuch County where the Offence ſhall be committed, towards the building, erecting, and ſupporting an Houſe of Correction. And all ſuch Leather, Shoes, Boots, Slippers, Wares, Stuff, or other Things whatſoever made of Tanned Leather, or Curried Leather, which ſhall be ſeized by virtue of this Act, and ſhall be found by the Tryers to be appointed, as aforeſaid, to be inſufficient, ſhall be forfeited and diſtributed, as hereafter followeth, that is to ſay, ſuch Leather or Stuff ſo ſeized, to be brought to the Court-houſe of the County where ſuch Seizure ſhall be made, there to be appraiſed by indifferent Perſons, and the Value thereof to be divided into Three Parts, whereof One to be to their Majeſties, their Heirs and Succeſſors, towards the better Support of the Government, and the contingent Charges thereof, and another Third Part to the firſt Seizer or Seizers of the ſaid unlawful Stuff, and another Part to be diſpoſed of by the Court of ſuch County where ſuch Seizure ſhall be made, towards the building, erecting, and ſupporting an Houſe of Correction.

And for the avoiding all Ambiguities and Doubts, which may and do grow and ariſe upon the Definition and Interpretation of this word Leather, Be it Enacted and Declared, That the Hides and Skins of Ox, Steer, Bull, Cow, Calf, Deer, Goat, and Sheep, being tanned, ſhall be, and ever hath been, reputed, and taken Leather.

No 13. Expired.

An Act enjoyning the Planting and Dreſſing of Flax and Hemp.

An

A.D. 1691.

An Act for the Alteration of the Time for Processioning of Land. №. 14.

WHereas in the Act of Assembly relating to Processioning of Lands, being the Seventy eighth Act of the printed Laws, it is directed, that the said Act be put in effectual Execution between *Easter* and *Whitsontide*; Which time of the Year being found inconvenient in many Respects, Be it therefore Enacted by their Majesties Lieutenant Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That so much of the said Act, as appoints the Time of Processioning, be and is hereby Repealed.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Time for Processioning of Lands hereafter, be between the last Day of *September* and the last Day of *March*.

An Act for the better Defence of the Country. №. 15. Repeal'd, 1692.

An Act for Suppressing out-lying Slaves. №. 16.

WHereas many times Negroes, Mulattoes, and other Slaves, unlawfully absent themselves from their Masters and Mistresses Service, and lie hid and lurk in obscure Places, killing Hogs, and committing other Injuries to the Inhabitants of this Dominion; For Remedy whereof for the future, Be it Enacted by their Majesties Lieutenant Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That in all such Cases, upon Intelligence of any such Negroes, Mulattoes, or other Slaves, lying out, Two of their Majesties Justices of the Peace of that County (whereof One to be of the *Quorum*) where such Negroes, Mulattoes, or other Slaves shall be, shall be impowered and commanded, and are hereby impowered and commanded to issue out their Warrants, directed to the Sheriff of the same County, to apprehend such Negroes, Mulattoes, and other Slaves; which said Sheriff is hereby likewise required, upon all such Occasions, to raise such and so many Forces, from time to time, as he shall think convenient and necessary, for the effectual apprehending such Negroes, Mulattoes, and other Slaves; and in case any Negroes, Mulattoes, or other Slave or Slaves, lying out as aforesaid, shall resist, run away, or refuse to deliver and surrender him or themselves to any Person or Persons, that shall be by any lawful Authority employed to apprehend and take such Negroes, Mulattoes, or other Slaves, that in such Cases it shall and may be lawful for such Person or Persons to kill and destroy such Negroes, Mulattoes and other Slave or Slaves, by Gun, or any other ways whatsoever: Provided, that where any Negro, Mulatto, Slave or Slaves, shall be killed in Pursuance of this Act, the Owner or Owners of such Negro or Mulatto Slave shall be paid, for such Negro or Mulatto Slave, Four thousand Pounds of Tobacco by the Publick.

A.D. 1691. And for the Prevention of that abominable Mixture, and spurious Issue, which hereafter may increase in this Dominion, as well by Negroes, Mulattoes, and *Indians*, intermarrying with *English* and other White Women, as by their unlawful Accompanying with one another, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That for the time to come, whatsoever *English* or other White Man or Woman, being Free, shall intermarry with a Negro, Mulatto, or *Indian* Man or Woman, Bond or Free, shall, within Three Months after such Marriage, be banished and removed from this Dominion for ever; and that the Justices of each respective County within this Dominion, make it their particular Care, that this Act be put in effectual Execution.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any *English* Woman, being Free, shall have a Bastard Child by any Negro or Mulatto, she pay the Sum of Fifteen Pounds Sterling, within One Month after such Bastard Child shall be born, to the Church-wardens of the Parish where she shall be delivered of such Child; and in Default of such Payment, she shall be taken into the Possession of the said Church-wardens, and disposed of for Five Years, and the said Fine of Fifteen Pounds, or whatsoever the Woman shall be disposed of for, shall be paid one Third Part to their Majesties, for and towards the Support of the Government, and the contingent Charges thereof, one other Third Part to the Use of the Parish where the Offence is committed, and the other Third Part to the Informer; and that such Bastard Child be bound out as a Servant by the said Church-wardens, until he or she shall attain the Age of Thirty Years; and in case such *English* Woman, that shall have such Bastard Child, be a Servant, she shall be sold by the said Church-wardens (after her Time is expired, that she ought by Law to serve her Master) for Five Years, and the Money she shall be sold for, divided, as is before appointed, and the Child to serve, as aforesaid.

And forasmuch as great Inconveniencies may happen to this Country, by setting of Negroes and Mulattoes free, by their either entertaining Negro Slaves from their Masters Service, or receiving stolen Goods, or being grown old, bringing a Charge upon the Country: For Prevention whereof, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Negro or Mulatto be, after the End of this present Session of Assembly, set free by any Person or Persons whatsoever, unless such Person or Persons, their Heirs, Executors, or Administrators, pay for the Transportation of such Negro or Negroes out of the Country within Six Months after such setting them free, upon Penalty of paying Ten Pounds Sterling to the Church-wardens of the Parish where such Person shall dwell; with which Money, or so much thereof as shall be necessary, the said Church-wardens are to cause the said Negroes or Mulattoes to be transported out of the Country, and the Remainder of the said Money to be employed to the Use of the Poor of the Parish.

N° 17. Expired.

An Act for lessening the Levy by the Poll, and laying an Imposition on Liquors.

An

A. D. 1691.

An Act appointing a Treasurer. — N° 18. Expired.

An Act for Dividing New Kent *County.* — N° 19. Private.

An Act for Dividing Lower Norfolk *County.* — N° 20. *Ditto.*

An Act for Raising a Publick Levy. — N° 21. Expired.

At

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At a GENERAL ASSEMBLY begun at *James-City* the 16th Day of *April*, 1691, in the 3d Year of the Reign of our Sovereign Lord and Lady, *William* and *Mary*, by the Grace of God, King and Queen of *England*, *Scotland*, *France*, and *Ireland*, Defenders of the Faith, *&c.* and thence continued by Prorogation to the 1st Day of *April*, 1692, in the 4th Year of their Majesties Reign.

An Act for the better Defence of the Country. No 1. Expired.

An Act for Confirmation of Lands. No 2.

WHEREAS several Doubts and Controversies have arisen, and daily do arise, upon the Fifth Act of Assembly, made *Anno* 1677, Intituled, *An Act ascertaining the Price of Double Patents*, the same having been variously expounded: For clearing therefore all Doubts and Ambiguities, as may be therein, Be it Enacted by their Majesties Lieutenant Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it it hereby Enacted, That where One or more Tract or Tracts of Land have been taken up, and added to a Patent of Land already seated, that no such Tract or Tracts of Land shall henceforth be deemed forfeited for want of due Seating, provided such Tract or Tracts be duly seated within Three Years from the Publication of this Law, as is by Law required, but that the same be and are hereby confirmed to such Person or Persons, as are the present Owners or Possessors thereof, as fully as if such Tract or Tracts had been actually seated, as by Law enjoyned; this Law, nor any thing herein contained, not prejudicing the Grant already made of any Lands, which were joyned with former seated Dividends, and were not themselves seated, but that the present Proprietor enjoy the same according to the Grants made them, provided they have, or shall, within the Time limited by the said Grants, comply with the Condition of them. *A. D.* 1692.

A.D. 1692. PROVIDED neverthelefs, That all Lands, hereafter to be taken up and patented, as aforefaid, fhall be adjudged forfeited for want of due Seating, unlefs, according to the Time by Patent limited, they fhall be duly feated, as the Law requires.

PROVIDED always, That no Land, found by a Survey of any feated Tract to be within the Bounds of the faid Tract, or any not habitable Marfhes, or funken Grounds, taken up, or to be taken up, as aforefaid, fhall be liable to the Penalties hereof; any Law, Statute, Ufage, or Cuftom to the contrary notwithftanding; Provided the faid Marfhes or funken Grounds be exactly furveyed, and their Majefties Quit-Rents be paid for the fame.

N° 3.

An Act for the more fpeedy Profecution of Slaves committing Capital Crimes.

WHereas a fpeedy Profecution of Negroes, and other Slaves, for Capital Offences, is abfolutely neceffary, that others, being deterred by the condign Punifhment inflicted on fuch Offenders, may vigoroufly proceed in their Labours, and be affrighted to commit the like Crimes and Offences: And whereas fuch Profecution has been hitherto obftructed, by reafon of the Charge and Delay attending the fame; Be it therefore Enacted by their Majefties Lieutenant Governor, Council, and Burgeffes of this prefent General Affembly, and the Authority thereof; and it is hereby Enacted, That every Negro, or other Slave, which fhall, after this prefent Seffion of Affembly, commit or perpetrate any Capital Offence, which the Law of *England* requires to be fatisfied with the Death of the Offender, or Lofs of Member, after his committing the faid Offence, fhall be forthwith committed to the Common Goal of the County within which fuch Offence fhall be committed, there to be fafely continued, well loaden with Irons, and that the Sheriff of the faid County do forthwith fignifie the fame to the Governor for the time being, who is defired and impowered to iffue out a Commiffion of *Oyer* and *Terminer*, directed to fuch Perfons of the faid County, as he fhall think fit; which Perfons forthwith, after Receipt of fuch Commiffion, are required and commanded, publickly at the Court-houfe of the faid County, to caufe the Offender to be arraigned and indicted, and to take for Evidence the Confeffion of the Party, or the Oaths of Two Witneffes, or of One with pregnant Circumftances, without the Solemnity of a Jury, and the Offender being found guilty, as aforefaid, to pafs Judgment, as the Law of *England* provides in the like Cafe, and on fuch Judgment to award Execution.

AND be it further Enacted by the Authority aforefaid; and it is hereby Enacted, That all Horfes, Cattle, and Hogs, marked of any Negro or other Slave's Mark, or by any Slave kept, and which fhall not, by the laft Day of *December* next, be converted, by the Owner of fuch Slave, to the Ufe and Mark of the faid Owner, fhall be forfeited to the Ufe of the Poor of the Parifh wherein fuch Horfe, Beaft, or Hog fhall be kept, feizable by the Churchwardens thereof.

AND be it Enacted by the Authority aforefaid; and it is hereby Enacted, That where it fhall happen that any Damage fhall be hereafter committed by any Negro, or other Slave, living at a Quarter where there is no Chriftian Overfeer, the fame Damage fhall be recompenfed by the Owner of fuch Slave to the Party injured.

An

A.D. 1692.

An Act about Physicians and Chirurgeons Accounts. No 4.

WHereas it is expressed and declared in the Ninety second Act of Assembly, Intituled, *Chirurgeons Accounts regulated*, That it shall be lawful for any Person or Persons, conceiving the Accounts of the Physician or Chirurgeon unreasonable, to arrest the said Physician or Chirurgeon, to the General or County Court; Be it Enacted by their Majesties Lieutenant Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the same Clause be henceforth Repealed; and it is hereby Repealed, the same being in it self unreasonable.

AND be it Enacted by the Authority aforesaid; and it is hereby Enacted, That every Physician and Chirurgeon be allowed the true Value and Cost of his Drugs and Means, with *Cent per Cent.* upon the first Cost, he making Oath to the same; and that where the Physician and Chirurgeon cannot declare, upon his Oath, the first Cost of his Medicines, the Court wherein any Controversie shall depend about the same, shall and are hereby impowered to give Judgment therein according to the best of their Knowledge, allowing the Physician or Chirurgeon, for his Care, Visit, and Attendance, a Recompence suitable to his Deserts.

An Act for the Dividing of Rappahanock County. No 5. Private.

An Act for altering the Day for Princess Anne *County Court.* No 6. Ditto.

An Act for Raising a Publick Levy. No 7. Expired.

At a General Assembly begun at *James-City* the 2d Day of *March*, 1692-3, and in the 5th Year of the Reign of our Sovereign Lord and Lady, *William* and *Mary*, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, *&c.*

An Act for Suspending the Execution of the Act for Ports, &c. No 1.

A. D. 1692/3.

WHEREAS at a General Assembly, begun and holden at *James-City* the Sixteenth Day of *April*, in the Third Year of the Reign of our Sovereign Lord and Lady, *William* and *Mary*, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, One Act was made and established, Intituled, *An Act for Ports*, &c. to be of full Force and Effect, from and after the First Day of *October* last past: And whereas the said Act is of great Moment, Weight, and Consequence, and the said Act lying before their Majesties, and their Majesties Pleasure relating thereto, not being yet signified; Be it therefore Enacted by the Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That the Execution of the said Law, and all and every Article, Clause, Branch, and Provision therein contained, shall be, and is hereby, to all Intents, Constructions, and Purposes, suspended till their Majesties Pleasure shall be known therein, or till the next Assembly.

An Act concerning Indian *Hogs.* No 2.

WHereas the Sixth Act of Assembly, made in the Year One thousand six hundred seventy four, Intituled, *An Act commanding such* Indians, *who keep Hogs, to mark the same*, enjoyns all *Indians*, that keep Hogs, to have a particular Mark for their Town: And forasmuch as it hath been represented to this Assembly, that the *Notoway Indians*, and others, keeping Hogs, have divers Marks, and more especially the Marks of sundry *English* adjacent to them,

A.D.169½. them, and under Colour thereof do kill and dispose of the Hogs belonging to the *English*; and it seeming disputable what County Courts shall assign the Mark for the *Notoway* and *Weyonoak Indians*, Be it therefore Enacted by the Governor, Council, and Burgesses of this General Assembly, and the Authority thereof; and it is hereby Enacted, That *Surrey* County Court be appointed, and is hereby authorized and impowered, within Six Months after the Publication hereof, to assign a particular Mark to each of the Towns of the *Notoway* and *Weyonoak Indians*, and that for the future, if any *English* whatsoever, shall buy or receive, from any *Indian* whatsoever, any Pork, and is not able to prove such Pork, so bought or received, as aforesaid, to be of the proper Mark belonging to the Town of *Indians*, to which the said *Indian* or *Indians* that sell the same do belong, shall forfeit and pay One thousand Pounds of Tobacco, one Half to their Majesties, their Heirs and Successors, for and towards the better Support of this Government, and defraying the contingent Charges thereof, and the other Half to him or them that will sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Judicature in this Country.

N° 3.

An Act for giving Encouragement to erect Fulling-Mills.

WHereas, by the Third Act of Assembly, made at *James-City* the Twenty third of *September*, One thousand six hundred sixty seven, Intituled, *An Act for giving Encouragement for erecting of Mills*, it is Enacted, That if any Person, willing to erect One or more Mills upon convenient Places, hath Land only on one side of the said Place, and the Owner of the Land on the other Side refuse to let him have an Acre of his Land to the Use aforesaid, that then the County Court, upon the Request of the Party so refused, shall order and impower Two of their Commissioners, or such other credible Persons, as they shall think fit, to view the said Land, and if it take not away Housing, Orchards, and other immediate Conveniencies, then to value the said Quantity of Land, and put the same into the Possession of the Party building the said Mill or Mills, he paying the Consideration the Land is valued at: For the Encouragement therefore of erecting Fulling-Mills in this Country, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the same Privilege, Advantage, and Benefit, be hereafter deemed, construed, held, and taken to extend, and be accordingly given and allowed unto all and every Person or Persons, who shall be minded to erect and set up One or more thereof.

N° 4. Repeal'd, 1699.

An Act for Ascertaining the Price of Coasting Cocquets, and requiring Officers Attendance.

An

A.D. 169$\frac{2}{3}$.

An Act for the Encouraging the erecting of a Post-Office in this Country. N° 5. Expired.

An Act for continuing the Rangers at the Heads of the Four great Rivers. N° 6. *Ditto.*

An Act for Raising a Publick Levy. N° 7. *Ditto.*

At a General Assembly begun at *James-City* the 10th Day of *October*, in the 5th Year of the Reign of our Sovereign Lord and Lady, *William* and *Mary*, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, &c. *Annoq; Dom'* 1693.

An Act appointing Rangers on the Frontiers of the Four great Rivers. № 1. Expired.

An Act for the Encouragement of the Manufacture of Linnen Cloth. № 2. *Ditto.*

An Act ascertaining the Place for Erecting the College of William *and* Mary *in* Virginia. № 3. Effected.

An Act laying an Imposition upon Skins and Furs, for the better Support of the College of William *and* Mary *in* Virginia. № 4.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the First Day of *January* next, there shall be satisfied and paid to their Majesties, their Heirs and Successors, for and towards the better Support and Maintenance of the College of *William* and *Mary* in *Virginia*, speedily intended, by God's Grace, to be erected at *Middle Plantation* within this Government, the following Duties, Customs, and Imposts, for the following Goods, Wares and Merchandizes, which shall be exported and carried out of *A. D. 1693.*

 this

A.D. 1693. this their Majesties Dominion, either by Land or Water, (that is to say) For every Raw Hide Three pence, for every Tanned Hide Sixpence, for every dressed Buck-skin One Penny three farthings, for every undressed Buck-skin One penny, for every Doe-skin dressed One penny half-penny, for every undressed Doe-skin Three farthings, for every Pound of Beaver Three pence, for every Otter-skin Two pence, for every Wild Cat-skin One penny half-penny, for every Minx-skin One penny, for every Fox-skin One penny half-penny, for every Dozen of Raccoon-skins Three pence, and so proportionably for a greater or lesser Quantity, for every Dozen of Musk Rat-skins Two pence, and so proportionably for a greater or lesser Quantity, and for every Elk-skin Four pence half-penny.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the said Duties, Customs, and Imposts, shall be paid and satisfied by the Person or Persons exporting or carrying out the same, either by Land or Water, to the Collector or Collectors, which shall be appointed by the Governor or Commander in chief for the time being to receive the said Duties, Customs, and Impost, before the said Goods, Wares, or Merchandizes shall be shipped off, exported, or carried out of and from this Dominion, either by Land or Water, and a Certificate thereof obtained from the Collector or Collectors of the District where such Goods, Wares, and Merchandizes, shall be so exported or carried away, signifying the Payment and Satisfaction of such Duties, Customs, and Impost, as aforesaid, under the Penalty of forfeiting such of the said Goods, Wares, and Merchandizes, which shall be shipped off, or loaden on board of any Boat, Sloop, Ship, or other Vessel, in order to the Exportation thereof by Water, or endeavoured to be carried out of this Country by Land, the one Moiety thereof to their Majesties, their Heirs and Successors, to and for the better Support of the Government, and the contingent Charges thereof, the other Moiety to him or them that shall sue or prosecute for the same in any Court of Record within this Colony, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

And be it further Enacted, That the several Collectors or Officers, appointed to collect and receive the said Duties, Customs, and Impost, shall, from time to time, be accountable and pay the same to the Governor of the said College of *William* and *Mary*, or such other Person or Persons, as shall be by them lawfully deputed, and that for the receiving and paying thereof, the said Collector or Collectors shall be allowed Ten *per Cent.*

N° 5. Expired.

An Act for Raising a Publick Levy, to be paid in the Year 1694.

At

At a GENERAL ASSEMBLY begun at *James-City* the 18th Day of *April*, in the 7th Year of the Reign of our Sovereign Lord and Lady, *William* and *Mary*, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, &c. *Annoq; Dom'* 1695.

An Act appointing Rangers at the Heads of the Four great Rivers. Nº 1. Expired.

An Act for Inlarging the Bounds of Princess Anne *County.* Nº 2. Private.

An Act for lessening the Levy by the Poll, and laying an Imposition upon Liquors. Nº 3. Expired.

An Act impowering the Governor, with the Advice of the Council, to apply Five hundred Pounds Sterling out of the Imposition upon Liquors raised this Assembly, to the Assistance and Preservation of New-York, *if found necessary.* Nº 4. Ditto.

An

A.D. 1695.

No 5. Expired. *An Act for Reviving the Seventh Act of Assembly, made at* James-City *the Sixteenth Day of* April, 1691, *and for Ascertaining the Size of Tobacco Hogsheads.*

No 6. Ditto. *An Act for Raising a Publick Levy.*

At

At a General Assembly begun at *James-City* the 24th Day of *September*, in the 8th Year of the Reign of our Sovereign Lord *William* III. by the Grace of God, of *England, Scotland, France,* and *Ireland,* King, Defender of the Faith, *&c. Annoq; Dom'* 1696.

An Act for Punishment of Fornication, and several other Sins and Offences. No 1.

WHEREAS there are several and many Laws now in Force for the Suppression of the Sins of Swearing, Cursing, Profaning God's holy Name, Sabbath-abusing, Drunkenness, Fornication, and Adultery, which have not had their desired Effect, by reason that some of the same Laws seem to be contradictory to the other: For the better Regulation whereof for the future, and the better to prevent and deter all Offenders from the said Offences and Sins, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the Ninth Act of Assembly in the printed Book, Intituled, *Sundays not to be profaned,* and the Thirteenth Act of Assembly in the printed Book, Intituled, *Church-wardens to make Presentments,* and the Hundredth Act of Assembly in the printed Book, Intituled, *An Act against Fornication,* and the Twelfth Act of Assembly, made the Twenty third of *December,* One thousand six hundred sixty two, Intituled, *An Act for Mulatto Children, being Bond or Free, according to the Condition of the Mother,* and the Eleventh Act of Assembly, made at *James-City,* One thousand six hundred ninety one, Intituled, *An Act for the more effectual Suppressing the several Sins and Offences of Swearing, Cursing, Profaning God's holy Name, Sabbath-abusing, Drunkenness, Fornication, and Adultery,* and every Clause and Article in the said Acts contained, shall be, and are hereby Repealed, made Void, Null, and of no Effect, to all Intents, Constructions and Purposes, as if the said Acts had never been made. A.D. 1696.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person or Persons shall from henceforth swear, curse, or profane God's holy Name; and that if any Person or Persons shall hereafter offend therein, and shall thereof be lawfully convicted by the Oaths of Two Witnesses, or by Confession of the Party, then every such Offender shall forfeit and pay, for every such Offence, the Sum of One Shilling,

A.D. 1696. And for the Prevention of Sabbath-breaking, Be it further Enacted by the Authority aforesaid, That there shall be no unlawful Meetings or Assemblies of People on the Lord's Day, and that no Person or Persons whatsoever shall travel upon the said Day, and that no other Thing or Matter whatsoever shall be done upon that Day, tending to the Breach of the Sabbath, but that the same in all Respects be kept holy, upon Pain that every Person or Persons so offending, and being convicted, as aforesaid, shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings, or Two hundred Pounds of Tobacco, at the Election of such Offender or Offenders.

And for the Suppression of Drunkenness, Be it further Enacted by the Authority aforesaid, That all and every Person or Persons, who shall henceforth be Drunk, and of the same Offence of Drunkenness shall be lawfully convicted, as aforesaid, shall forfeit and pay the Sum of Ten Shillings, or One hundred Pounds of Tobacco, at the Election aforesaid: And if the Offender or Offenders, in any of the aforesaid Vices, be not able to pay the Fines and Forfeitures afore-mentioned, then every such Offender or Offenders therein shall be committed to the Stocks, for every such Offence, there to be and remain for the Space of Two full Hours.

And for the more effectual Suppression and Prevention of the Sins of Fornication and Adultery, Be it further Enacted by the Authority aforesaid, That every Person or Persons, committing Fornication, and being thereof lawfully convicted by the Oaths of Two Witnesses, or by Confession of the Party, shall forfeit and pay the Sum of Five hundred Pounds of Tobacco, and Cask, for every time so offending; and that every Person or Persons, committing Adultery, and being thereof lawfully convicted, as aforesaid, shall forfeit and pay, for every such Offence, the Sum of One thousand Pounds of Tobacco, and Cask: And if the Offender or Offenders, in any or both the aforesaid Two Sins or Offences, be not able to pay the Fines and Forfeitures for the said Offences mentioned, then every Offender or Offenders therein shall, for every time so offending, receive on his, her, or their bare Backs, Twenty five Lashes, well laid on, or Two Months Imprisonment, without Bail or Mainprize: And if they, or either of them, committing Fornication, as aforesaid, be Servants, then, if the Master or Mistress of such Servant or Servants so offending, or any other Person, do pay the aforesaid Five hundred Pounds of Tobacco, the said Servant, in Compensation thereof, shall serve half a Year after the Time by Indenture or Custom is expired; and if the Master, or any other Person, do not pay the said Fine, the said Servant shall receive, upon his or her bare Back, Twenty five Lashes, well laid on: And if it happen that a Bastard-Child be gotten in such Fornication, then the Servant, if a Woman, in regard of the Loss and Trouble her Master or Mistress sustains by her having a Bastard, shall serve one Year after her Time by Indenture or Custom is expired, or pay One thousand Pounds of Tobacco to her Master or Mistress, besides the Fine or Punishment for committing the Offence; and the reputed Father to put in Security to keep the Parish harmless.

And be it further Enacted by the Authority aforesaid, That the Grand Juries and Church-wardens, and each of them, of every respective County or Parish within this Dominion, do twice every Year make due Presentments of all the Sins and Offences committed and perpetrated contrary to this Act; and that the Justices of the said Courts are, by Virtue of this Act, impowered to punish the Offender or Offenders accordingly; all which Fines and Forfeitures shall be appropriated to the Use of the Parish for their Ease towards the Maintenance of the Minister, where such Offence or Offences shall be committed; which Fines or Forfeitures shall or may be recovered by the Church-warden or Church-wardens of any Parish or Parishes, by Action of Debt, Bill, Plaint, or Information in any Court of Record in this Dominion, in which no Essoign, Protection, or Wager of Law shall be allowed.

AND be it Enacted by the Authority aforesaid; and it is hereby Enacted and Declared, That all Children, born in this Country, be Bond or Free, according to the Condition of the Mother. *A.D.1696.*

An Act for altering the Court-Days in Accomack *County.* Nº 2. Private.

An Act giving a Reward to Indians *for killing of Wolves.* Nº 3.

WHereas the first Act of Assembly, made at *James-City* the Sixteenth Day of *April*, One thousand six hundred ninety one, Intituled, *An Act giving Reward for killing of Wolves*, hath been variously construed, some County Courts having allowed the Reward therein-mentioned, and other County Courts no Reward at all, unto *Indians* which have killed Wolves: For Prevention of the like Mistakes for the future, and to the End *Indians* may be also encouraged to use their Endeavours to destroy those injurious Creatures, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That every *Indian*, which shall hereafter kill and destroy Wolves by any Way or Means whatsoever, shall, for every Wolf he kills, be paid, in the County where the same is done, One hundred Pounds of Tobacco, and Cask, for his Encouragement and Reward, and no more; any Law, Usage, or Custom to the contrary notwithstanding.

PROVIDED always, and it is the true Intent and Meaning of this Act, That whatsoever *Indian* shall kill a Wolf, shall bring in the Head of the said Wolf to a Justice of the Peace, and by some Proof or Circumstance, at the Discretion of the Justice, make it probably appear, how, when, and where he killed the said Wolf, and also take from the said Justice of the Peace a Certificate thereof, which being produced to the County Court at proportioning the Levy, shall be sufficient to cause the said Court to raise upon the County the said Reward to be paid to such *Indian*, as by such Service shall deserve it.

AND to the End no Cheat may be put upon any County, by means of an *Indian* killing a Wolf in one County, and bringing his Head to another County for Allowance, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall and may be lawful for every Justice of the Peace, to whom such *Indian* shall make Application for a Certificate, upon the least Suspicion he hath of a Fraud, to forbear giving the same, until the *Indian* can bring him sufficient Testimony to convince him that he killed the Wolf in the County where he makes the Claim.

An

A.D. 1696.

N° 4. **An Act for Repealing the Prohibition of Planting Tobacco after the last Day of June annually.**

FOrasmuch as the Prohibition of planting or replanting Tobacco after the last Day of *June* in every Year, as is provided by a Clause or Section of the Seventh Act of Assembly, made at *James-City* the Twentieth Day of *October*, One thousand six hundred eighty six, Intituled, *An Act declaring the Hundred and seventh Act of Assembly, made the Twenty third Day of* March, *One thousand six hundred sixty one-two, to be in Force*, hath been found to bring great Hardships upon some Parts of this his Majesty's Dominion, and not to have those good Effects which were generally expected from it; Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the said Clause or Section of the said Act, which prohibits the planting or replanting of Tobacco, directly or indirectly, after the last Day of *June* annually, under the Pain and Penalty of forfeiting and paying Ten thousand Pounds of Tobacco for so doing, be from henceforth Repealed, Annulled, and made utterly Void, and that it be lawful for every Person or Persons, within this his Majesty's Colony and Dominion, to plant or replant Tobacco at any time, as if no such Restraint or Prohibition of planting or replanting Tobacco had ever been made.

N° 5. **An Act for ascertaining Damages upon Appeals.**

WHereas the Acts already made, giving Damages upon Appeals, do admit of divers Constructions; For Ascertaining of which, and for Remedy whereof for the future, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the Twenty sixth Act of Assembly in the printed Book, Intituled, *Appeals, how to be made*, and the Third Act of Assembly, made at *James-City* the Seventeenth Day of *September*, One thousand six hundred sixty eight, Intituled, *An Act concerning Damages in Appeals*, and every Clause and Article in the said Acts contained, be from henceforth Repealed and made Void, to all Intents, Constructions, and Purposes, as if the said Acts had never been made; any thing in the said Acts to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That in all Appeals to the General Court, from the Judgment of any County Court or Courts where the Appellant shall be cast in such Appeal, and the County Court's Judgment by the General Court affirmed, the Appellant so cast for his vexatious Appeal and Suit, shall pay to the Appellee Fifteen *per Cent*, Damages upon the principal Debt, Damages, and Costs of the County Court, which shall be taxed in the Bill of Costs, and levied by Execution with the principal Debt, Damages, and Costs of Suit.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the County Courts in their respective Counties shall not admit of any Appeal to the General Courts, without the Party appealing do enter into Bond, with good and sufficient Security, to the Appellee, to appear and prosecute his said Appeal at the said General Court, and to stand and abide the Award and Judgment of the said Court, and pay the said Damages of Fifteen *per Cent.* upon the principal Debt, Damages, and Costs, if cast in the Appeal.

AND

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person or Persons shall commence any Action or Suit against any Person or Persons whatsoever, to the General Court, for any Sum or Sums for Debt or Damages, under the Value of Two thousand Pounds of Tobacco, or Ten Pounds current Money, upon the Penalty of paying the Nonsuit, and such Damages, as are imposed by the Seventh Act of Assembly, made at *James-City* the Third of *October*, One thousand six hundred and seventy, Intituled, *An Act concerning Litigious Suits.* A. D. 1696.

An Act for imposing Penalties upon the Non-appearance of Evidences. No 6.

WHereas many Causes of great Consequence, depending in Courts of Judicature, between Parties and Parties, are utterly lost for want of Appearance of Evidences, and the King's Process of *Subpœna* contemned; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the Clause of the Thirtieth Act of Assembly in the printed Book, Intituled, *Penalties for Non-appearance of Evidences*, relating to the Penalties for the Non-appearance of Evidences, be from henceforth Repealed, made Null and Void, as if the said Clause had never been made.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted and Declared, That if any Witness or Witnesses, being lawfully summoned by Writ of *Subpœna* to any General Court, do not make his or their Personal Appearance at the General Court, at the Time in the Writ mentioned, to give his or their Evidence, and likewise give his or their Attendance, as the said Court shall think fit, in the Tryal of the said Cause or Causes, he or they so offending shall be fined and amerced to our Sovereign Lord the King, the Sum of One thousand Pounds of Tobacco for the Contempt of such Process (unless the said Offender shall appear the next General Court, and shew good Cause for his said Non-appearance) and shall be liable to pay all such Damages, as by the Common Law is given to the Party injured for want of such Evidence; and if any Witness or Witnesses, lawfully summoned by *Subpœna* to any County Court or Courts, do not make his or their Personal Appearance at the Time to which they were summoned to give his or their Evidence, and likewise to give his or their Attendance, as the said Court or Courts shall think fit, in the Trial of the said Cause or Causes, he or they so offending shall be fined and amerced to our Sovereign Lord the King, the Sum of Three hundred and fifty Pounds of Tobacco for the Contempt of such Process (unless he shall appear at the next County Court or Courts, and shew good Cause for his Non-appearance) and shall be liable to pay all such Damages, as by the Common Law is given to the Party injured for want of such Evidence.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Witness or Witnesses, lawfully summoned by *Subpœna* to give his or their Evidence upon any *Dedimus potestatem*, do not appear at the Time and Place in the *Subpœna* mentioned, he or they so offending, if the Cause, for which the said *Dedimus potestatem* is issued, be depending in the General Court, shall be fined and amerced to our Sovereign Lord the King, the Sum of One thousand Pounds of Tobacco for the Contempt of such Process (unless he shall appear at the next General Court, and shew good Cause for his said Non-appearance;) and if in the County Court, the Sum of Three

A.D. 1696. hundred and fifty Pounds of Tobacco for the Contempt of ſuch Proceſs (unleſs the ſaid Offender ſhall appear at the next County Court, and ſhew good Cauſe for his ſaid Non-appearance,) and ſhall be liable to pay all ſuch Damages, as by the Common Law is given to the Party injured for want of ſuch Evidence.

Nº 7. *An Act declaring how long Judgments and Specialties ſhall be Pleadable.*

WHereas the Laws now in Force for the Limitation of Actions and Suits upon Bills and Bonds, do admit of many Doubts and Ambiguities in the Conſtruction thereof; For the better Explanation whereof for the future, Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That the Eighty firſt Act of Aſſembly in the printed Book, Intituled, *Judgments and Specialties, how long Pleadable*, and every Clauſe and Article thereof, be from henceforth Repealed and made Void to all Intents, Conſtructions, and Purpoſes, as if the ſaid Act had never been made.

And be it further Enacted by the Authority aforeſaid; and it is hereby Enacted, That no Bills or Bonds ſhall be of Force or recoverable by any Action or Actions above the Space of Five Years, after the Date of the ſaid Bills or Bonds, if no Time of Payment be therein expreſſed; but if any Time or Times for Payment be therein expreſſed, then the ſaid Bills or Bonds ſhall be in Force Five Years after the laſt Time of Payment in the ſaid Bills or Bonds expreſſed and mentioned, and no longer.

And be it further Enacted by the Authority aforeſaid; and it is hereby Enacted, That no Judgment or Judgments, obtained in any Court, ſhall be of Force any further or longer Time than Seven Years after the Date of the ſaid Judgments, or after that the ſame has been renewed by Writ of *Scire facias*.

Provided always, and it is the true Intent and Meaning of this Act, That this Act, nor any thing therein contained, ſhall be deemed or taken to extend to the Limiting or Annulling any Bonds or Obligations for the Performance of Covenants, but that the ſaid Bonds and Obligations ſhall be in Force and recoverable Five Years after the Breach of the Covenants in the Conditions of the ſaid Bonds or Obligations contained; any thing in this Act to the contrary notwithſtanding.

Provided likewiſe, That if the Debtor or Obligor do privately depart this Country, or the County where he reſided and dwelt, and contracted ſuch Debt or Debts, and leave not a ſufficient Eſtate in the County where he ſo reſided, or contracted ſuch Debt or Debts, or where ſuch Judgment or Judgments were obtained againſt him, to ſatisfie the ſame, the ſaid Bill, Bond, or Judgment, ſhall remain and be in Force, and recoverable, notwithſtanding the ſaid Five or Seven Years be expired and paſt; any thing in this Act to the contrary notwithſtanding.

Nº 8. Private. *An Act for aſcertaining the Place where the Court for* York *County ſhall be kept.*

An

A. D. 1696.

№ 9.

An Act for ascertaining the Gauge of Pork, Tar, and other Barrels.

WHereas many Frauds and Abuses have been committed and done, very injuriously to the Trade of this Dominion, by reason that Pork, Beef, and Tar-Barrels have not a Gauge ascertained by Law: For the Prevention whereof for the future, Be it Enacted by the Governor, Council, and Burgesses of this present Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the Twenty ninth Day of *September* next, every Beef, Pork, and Tar-Barrel, that shall or may hereafter be shipped off for Exportation, or that shall be put to Sale to any Person or Persons in this Dominion, shall hold and contain at least the Quantity of Thirty Gallons.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Cooper or Coopers, or any other Person or Persons, after the Twenty ninth Day of *September* next, shall make or set up any Barrel or Barrels for Pork or Tar, or any other thing, of a less Gauge or Dimension than to hold and contain the Quantity of Thirty Gallons *per* Barrel; and if any Person or Persons shall export or put to Sale any Barrel or Barrels, other than of the Gauge and Dimensions aforesaid, he or they so making and putting up, or exporting or putting to Sale, any such Barrel or Barrels, shall forfeit and pay, for every Barrel so made or put up, exported or put to Sale, the Sum of Five Pounds current Money, one Moiety to our Sovereign Lord the King, his Heirs and Successors, towards the better Support of this Government, and the contingent Charges thereof, the other Moiety to him or them that shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Dominion, in which no Essoign, Protection, or Wager of Law shall be allowed.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Justices of every County Court shall be, and are hereby impowered, in their respective Counties, where in their Discretion it shall be thought necessary, to appoint One or more Packers to pack Pork and Beef-Barrels, and that every Packer shall and may, by Virtue of this Act, take and demand the Sum of Six Pence for every Pork or Beef-Barrel so by him packed; and if any Packer or Packers shall pack any unwholsome Meat or Trash in any Barrel or Barrels, or shall pack any Meat in any other Barrel or Barrels than of the Gauge or Dimensions aforesaid, he or they, for every Barrel so packed, shall forfeit and pay the Sum of Five Pounds current Money, to be recovered and divided, as aforesaid.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons shall fill up, or put to Sale, in any Barrel or Barrels, as aforesaid, any Pitch or Tar not true made and merchantable, or which shall be mingled with any Trash, or other thing than true made Pitch, if it be Pitch in the Barrel, or clean Tar, if it be Tar in the Barrel, and being thereof lawfully convicted, he or they so offending shall forfeit and lose the said Pitch and Tar, and Twenty Shillings for every Barrel of Pitch, and Ten Shillings for every Barrel of Tar so falsly made, filled, or put to Sale, to be recovered, with Costs, and divided, as aforesaid.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the County Courts in their respective Counties are hereby likewise impowered, where they think it necessary, to appoint a Mark, which shall be put by the said Packers upon every Barrel so by them packed, to mark the said Barrels therewith, as likewise to mark upon the said Barrel or Barrels the just Quantity and Contents of the said Barrel or Barrels, upon the Pains and Penalties aforesaid, to be recovered and divided, as aforesaid.

An

A.D. 1696.

№ 10.

An Act for Prevention of clandestine Marriages.

WHereas many great and grievous Mischiefs have arisen, and daily do arise, by clandestine and secret Marriages, to the utter Ruin of many Heirs and Heiresses, and to the great Grief of all their Relations: And whereas the Laws now in Force for the Prevention of such Marriages, do inflict too small a Punishment for so heinous and great an Offence, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the Twelfth Act of Assembly in the printed Book, Intituled, *None to be married but by Ministers, nor by them, but by Licence or publishing the Banns*, and every Clause and Article therein contained, be, from and after the Tenth Day of *November* next, Repealed and made Void, to all Intents, Constructions, and Purposes, as if the said Act had never been made; any thing in the said Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That no Minister or Ministers shall from henceforth marry any Person or Persons together, as Man and Wife, without lawful Licence, or without thrice Publication of the Banns, according as the Rubrick in the Common Prayer Book prescribes, which enjoyns, That if the Persons to be married dwell in several Parishes, the Banns must be asked in both Parishes, and that the Curate of the one Parish shall not solemnize the Matrimony, until he have a Certificate from the Curate of the other Parish, that the Banns have been thrice published, and no Objection made against the Parties joyning together: And if any Minister or Ministers shall, contrary to this Act, without such Licence or Publication, marry any Person or Persons, he or they so offending, shall for every such Offence be imprisoned the Space of One whole Year without Bail or Mainprize, and shall forfeit and pay the Sum of Five hundred Pounds current Money, one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, towards the better Support of the Government, and the contingent Charges thereof, and the other Moiety to him or them that shall sue or inform for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Dominion, in which no Essoign, Protection, or Wager of Law, shall be allowed.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if the Clerk of any County Court do grant any Certificate or Certificates to any Person or Persons, for any Licence or Licences for any Marriage or Marriages, without the Personal Consent of the Parent or Guardian, or signified under the Hands and Seals of the said Guardian or Parent, and attested by Two Witnesses, or if any Person or Persons do grant any Licence or Licences for any Marriage or Marriages without such Certificate or Certificates, he or they so offending, shall for every such Offence forfeit and pay the Sum of Five hundred Pounds current Money, to be recovered and divided, as aforesaid, and be imprisoned the Space of One whole Year without Bail or Mainprize.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Woman-Child or Maiden, being above the Age of Twelve, and under the Age of Sixteen Years, do at any time consent or agree to such Person, that so shall make any Contract of Matrimony, without the Consent of the Parent or Guardian, or without Publication of the Banns, as aforesaid, that then the next of Kin to the said Woman-Child or Maiden, to whom the Inheritance should descend, fall, or come, after the Death of the said Woman-Child or Maiden, shall, from the Time of such Agreement and Assent, hold, have, and enjoy, all such Lands, Tenements, and Hereditaments, as the said Woman-Child or Maiden had in Possession, Reversion, or Remainder, at the

Time

Time of ſuch Aſſent and Agreement, and during ſuch Coverture, and after the Deceaſe of the Huſband of the ſaid Woman-Child or Maiden, having ſo contracted Matrimony, that then the ſaid Lands, Tenements, and Hereditaments, ſhall deſcend, revert, and remain to ſuch Woman-Child or Maiden, or ſuch Perſon or Perſons, as they ſhould have done, in caſe this Act had never been made. *A.D. 1696.*

An Act for the better Support and Maintenance of the Clergy. No 11.

WHereas a competent and ſufficient Proviſion for the Clergy will be the only Means to ſupply this Dominion with Able, Faithful, and Orthodox Miniſters, whereby the Glory of God may be advanced, the Church propagated, and the People edified: And whereas the Law now in Force, Intituled, *Glebes to be laid out*, in making ſuch Proviſion, doth ſeem very deficient and uncertain; Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That the ſaid Third Act of Aſſembly in the printed Book, Intituled, *Glebes to be laid out*, and every Clauſe and Article thereof, be from henceforth Repealed and made Void, to all Intents, Conſtructions, and Purpoſes, as if the ſaid Act had never been made; any thing in the ſaid Act, or in any other Act to the contrary in any wiſe notwithſtanding.

AND be it further Enacted by the Authority aforeſaid; and it is hereby Enacted, That all and every Miniſter and Miniſters, in all and every Pariſh and Pariſhes in this Dominion, incumbent in the ſaid Pariſh or Pariſhes, and therein officiating as Miniſter or Miniſters, ſhall have and receive, for his or their Maintenance, the Sum of Sixteen thouſand Pounds of Tobacco, beſides their lawful Perquiſites; and that it ſhall and may be lawful for the Veſtry or Veſtries of any Pariſh or Pariſhes, and they are, by Virtue of this Act, authorized and impowered to raiſe and levy the ſame in their reſpective Pariſh or Pariſhes, as alſo to levy Five *per Cent.* for collecting and paying the ſaid Tobacco convenient.

AND be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Veſtry or Veſtries of all and every Pariſh or Pariſhes, to appoint the Church-wardens, or whom they ſhall think fit, to collect and receive the Miniſter's or other Pariſh Dues; and the ſaid Perſon or Perſons, ſo qualified as aforeſaid, ſhall be, and are hereby impowered, in caſe of Nonpayment, to make Diſtreſs for the ſame.

AND be it further Enacted by the Authority aforeſaid, That all and every Veſtry and Veſtries in this Dominion, ſhall be, and are hereby authorized and impowered, where the ſame is not already done, to purchaſe and lay out a Tract of Land for the Glebe, at their Diſcretion, and at the Charge of their reſpective Pariſhes, and likewiſe to build and erect a convenient Dwelling-houſe, for the Reception and Abode of the Miniſter of ſuch Pariſh or Pariſhes, at the Diſcretion of the ſaid Veſtry or Veſtries.

PROVIDED always, and it is the true Intent and Meaning of this Act, That if any Veſtry or Veſtries of any Pariſh or Pariſhes ſhall find their Pariſhes to be ſo ſmall and poor, as not to be able to allow and maintain a Miniſter, as aforeſaid, that then, upon Application of the Veſtry or Veſtries to the Governor for the time being, that their reſpective Pariſhes may be united and conſolidated to the next adjacent Pariſh, the ſaid Governor is hereby deſired to unite and conſolidate the ſaid Pariſh or Pariſhes.

A.D. 1696. And whereas the Clerk of the Register's Fee seems to be too small an Encouragement for an Office of so much Trust, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That every Clerk of the Register shall and may lawfully, by Virtue of this Act, take and demand the Sum of Five Pounds of Tobacco, or Six Pence, for Recording and Registring every Birth, Burial, or Marriage, and the Church-wardens of the said Parish or Parishes, or any other Person or Persons, appointed by the Vestry or Vestries, are hereby authorized and impowered to collect the same, or, in case of Nonpayment, to make Distress.

No 12. Expired. *An Act for Regulating and Ascertaining County Court Clerks Fees.*

No 13. Ditto. *An Act appointing Rangers at the Heads of the Four great Rivers.*

No 14. Ditto. *An Act for Raising a Publick Levy.*

At

At a GENERAL ASSEMBLY begun at *James-City* the 24th Day of *September*, in the 8th Year of the Reign of our Sovereign Lord *William* III. by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Domini*, 1696. And thence Continued by Adjournments till the 21st Day of *October*, in the 9th Year of his Majesty's Reign. *Annoq; Dom'* 1697.

An Act for Raising a Publick Levy. N° 1. Expired.

GENERALL ASSEMBLY begun at James-City the [illegible] Day of September, in the 8th Year of the Reign of our Sovereign Lord William III. by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. Annoq; Domini 1696. And thence continued by several Adjournments till the [illegible] Day of October, in the 9th Year of his Majesties Reign, Annoq; Domi 1697.

At

At a GENERAL ASSEMBLY begun at *James-City* the 27th Day of *April*, and in the 11th Year of the Reign of our Sovereign Lord *William* III. by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Dom'* 1699.

An Act for the more effectual Suppressing of Blasphemy, Swearing, Cursing, Drunkenness, and Sabbath-breaking. No. 1.

WHEREAS, notwithstanding many good and wholsom Laws already made, for the Punishment and Restraining of Vice, many vicious, wicked, blasphemous, and dissolute Persons do still continue their impious and abominable Practices, and avow their horrid and Atheistical Principles, greatly tending to the Dishonour of Almighty God, and may prove destructive to the Peace and Welfare of this his Majesty's Colony and Dominion: For the more effectual Suppressing of the said detestable Crimes, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That if any Person or Persons, brought up in the Christian Religion, shall, by writing, printing, teaching, or advised speaking, deny the Being of a God, or the Holy Trinity, or shall assert or maintain there are more Gods than One, or shall deny the Christian Religion to be true, or the Holy Scriptures of Old and New Testament to be of Divine Authority, and be thereof lawfully convicted, upon Indictment or Information in the General Court of this his Majesty's Colony and Dominion, by the Oaths of Two or more credible Witnesses, such Person or Persons, for the first Offence, shall be adjudged incapable, and disabled in Law, to all Intents and Purposes whatsoever, to hold and enjoy any Office or Employment, Ecclesiastical, Civil, or Military, or any Part in them, or any Profit or Advantage to them appertaining, or any of them; and if any Person or Persons, so convicted as aforesaid, shall, at the time of his or their Conviction, enjoy or possess any Office, Place, or Employment, such Office, Place, or Employment shall be void, and is hereby declared void; and if such Person or Persons shall be a second time lawfully convicted, as aforesaid, of all or any the Crime or Crimes aforesaid, that then he or they shall from thenceforth be disabled to sue, prosecute, plead, *A.D.* 1699.

A.D. 1699. or use any Action or Information in any Court of Law or Equity, or to be Guardian to any Child, or to be Executor of any Person, or capable of any Deed of Gift or Legacy, or to bear any Office, Ecclesiastical, Civil, or Military, for ever within this his Majesty's Colony and Dominion, and shall also suffer, from the time of his Conviction, Three Years Imprisonment without Bail or Mainprize.

Provided always, and be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person shall be prosecuted by Virtue of this Act for any Words spoken, unless Information upon Oath be given in of the Words before One or more Justice or Justices of the Peace, within One Month after such Words spoken, and the Prosecution of such Offence be within Twelve Months after such Information.

Provided also, and be it Enacted by the Authority aforesaid; and it is hereby Enacted, That any Person or Persons, convicted of all or any the aforesaid Crime or Crimes in Manner aforesaid, shall, for the first Offence, upon his or their Acknowledgment and Renunciation of such Offence, or erroneous Opinions in the same Court, where such Person or Persons was or were convicted, within the Space of Six Months after his, her, or their Conviction, be discharged from all Penalties and Disabilities incurred by such Conviction; any thing in this Act to the contrary in any wise notwithstanding.

And for the more effectual Prevention and Punishment of Drunkenness, Swearing, and Cursing, Be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons shall profanely swear, or curse, or shall be drunk, he or they so offending, for every such Offence, being thereof convicted by the Oath of One or more Witness or Witnesses, which Oath any Justice of the Peace is hereby impowered and required to administer, or by Confession before One or more Justice or Justices of the Peace in the County, where such Offence shall be committed, shall forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence; or if the said Offence or Offences be committed in the Presence or Hearing of One or more Justice or Justices of the Peace, or in any Court of Record in this his Majesty's Colony and Dominion, the same shall be a sufficient Conviction without any other Evidence, and the said Offender shall, upon such Conviction, forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence; which said Sum or Sums shall be paid to the Church-wardens of that Parish, where the Offence shall be committed, who shall be accountable for the same to the Vestry of such Parish, to the Use of the Poor of the Parish; and if any Person or Persons shall refuse to make present Payment, or give sufficient Caution for the Payment of the same, at the laying of the next Parish Levy after the said Offence committed, then the said Fines and Penalties shall be levied upon the Goods of such Person or Persons, by Warrant or Precept from any Justice of the Peace, before whom such Conviction shall be, which Warrant may be directed to the Sheriff of the County, or to the Constable in his respective Precincts, to be appraised and valued, as in other Distresses; and if the Offender or Offenders be not able to pay the said Sum or Sums, then he, she, or they shall have and receive Ten Lashes upon his, her, or their bare Back, well laid on, for every such Offence.

And for Prevention of Sabbath-breaking, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons of the Age of Twenty one Years or more, do neglect or refuse to resort to their Parish-Church or Chapel once in Two Months, to hear Divine Service upon the Sabbath-day, every Person or Persons so neglecting or refusing, and being thereof lawfully convicted, by Confession or otherwise, before One or more Justice or Justices of the Peace, where such Offence shall be committed, shall forfeit and pay, for every such Offence, the Sum of Five Shillings, or Fifty Pounds of Tobacco, to be paid to the Church-wardens of that Parish, wherein the said

Offence shall be committed, who shall be accountable for the same to the Vestry, for the Use of the said Parish. A.D. 1699.

Provided always, That if any Person or Persons can shew, or make known to any Justice or Justices, such Cause or Causes of his, her, or their Absence from Church, at any time or times, as the said Justice or Justices shall adjudge true and reasonable, that then the said Pains and Penalties shall be remitted to such Person or Persons for such Time and Times, and no longer; any thing in this Act to the contrary notwithstanding.

Provided always, That if any Person or Persons, dissenting from the Church of *England*, being every way qualified, according to one Act of Parliament, made in the First Year of the Reign of our Sovereign Lord the King that now is, and the late Queen *Mary* of Blessed Memory, Intituled, *An Act for the exempting their Majesties Protestant Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws*, shall resort and meet at any Congregation, or Place of Religious Worship, permitted and allowed by the said Act of Parliament, once in Two Months, that then the said Penalties and Forfeitures, imposed by this Act for neglecting or refusing to resort to their Parish-Church or Chapel, as aforesaid, shall not be taken to extend to such Person or Persons; any thing in this Act to the contrary notwithstanding.

An Act for Prevention of undue Election of Burgesses. N° 2.

FOR the Prevention of undue Election of Burgesses to serve in the General Assemblies in this his Majesty's Colony and Dominion, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That no Person or Persons shall be enabled to give a Vote for the Election of a Burgess or Burgesses to serve in the General Assembly, hereafter to be called, but those who are Freeholders in the respective County or Town, for which the said Burgess or Burgesses shall be elected and chosen; and if any Person shall presume to give his Vote for the Election of a Burgess or Burgesses in any County or Town, who is not a Freeholder in such County or Town, he shall forfeit and pay the Sum of Five hundred Pounds of Tobacco for every such Offence.

Provided always, and it is the true Intent and Meaning of this Act, That no Woman Sole or Covert, Infants under the Age of Twenty one Years, or Recusant Convict, being Freeholders, shall be enabled to give a Vote, or have a Voice in the Election of Burgesses; any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if the Election of any Burgesses cannot be determined upon the View, by the Consent of the Freeholders then present, but that a Poll shall be required for Determination thereof, that then the Sheriff of such County, or, in his Absence, his Under-Sheriff, shall proceed to take the Poll, and shall appoint such Number of Persons for the taking thereof, as to him shall seem convenient, who shall set down the Names in Writing of each Freeholder, and for whom he shall poll; and every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, Freeholders, or any of them, first take the Oath herein after-mentioned, if such Person, being a Quaker, shall make the Declaration prescribed in an Act made in the Seventh and Eighth Year of the Reign of his present Majesty, in these Words,

I A.B.

A.D. 1699.

I A. B, *do Declare, in the Presence of Almighty God, the Witness of the Truth of what I say.*

Which Oath or Declaration the said Sheriff, or, in his Absence, his Under-Sheriff, is hereby impowered and required to administer, to wit,

Y*OU shall Swear, That you are* bona fide *a Freeholder in this County of* —— *or Town of* —— *to the best of your Knowledge.*

And if any of the Candidates requires a Copy of such Poll, the Sheriff or his Under-Sheriff shall, as soon as conveniently may be, deliver to him or them a true and perfect Copy thereof.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person or Persons, hereafter to be elected as a Burgess, shall, directly or indirectly, by any Ways or Means, at his or their proper Charge, before his or their Election, give, present, or allow, to any Person or Persons, having Voice or Vote in such Election, any Money, Meat, Drink, or Provision, or make any Present, Gift, Reward, or Entertainment, or any Promise, Engagement, or Obligation, to give or allow any Money, Meat, Drink, or Provision, Present, Reward, or Entertainment, in order to procure the Vote or Votes of such Person or Persons for his or their Election to be a Burgess or Burgesses; and every Person or Persons, so giving, presenting, or allowing, making Promise, or engaging any Money, Meat, Drink, or Provision, in order to procure such Election, being elected, shall be incapable and disabled to sit and act as a Burgess in that Assembly; but that such Election shall be void, to all Intents and Purposes, as if the said Return or Election had never been made.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Sheriff, or his Under-Sheriff, in his respective County, shall return for Burgess such as shall be elected and chosen by the Majority of the Freeholders, in Manner aforesaid, which Return he shall endorse and make in these Words, (*viz.*)

B*Y vertue of this Writ I have caused to be legally summoned the Freeholders of my County, to meet this Day, being the* —— *Day of* —— *at the Court-house of this County, being the usual Place for Election of Burgesses, and have given them in Charge to make Election of Two of the most able and discreet Persons of the said County for their Burgesses, who accordingly have elected and chosen* A. B. *and* C. D. *Burgesses for the said County, for the next General Assembly to be held at* —— *the* —— *Day of* ——

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if it shall so happen, that by the Death or Disability of any Burgesses so elected, a new Writ do issue to any County, during the Sessions of an Assembly, for the Election of a Burgess to serve in the said Assembly, that then it shall and may be lawful for the Sheriff of such County, or his Deputy, who is hereby authorized and required so to do, immediately to cause so many Persons, as he shall think fit, to give Notice to every Freeholder of the Time and Place of Election, which shall be assoon as possible after the Receipt of the Writ, and upon such Election so made, to make Return thereof upon the Back of the Writ, in Manner and Form aforesaid.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Sheriff, or his Officer, before the Return be endorsed upon the Writ, shall deny or refuse to take the Poll in Writing, as aforesaid, if it be demanded by any Candidate or Freeholder, or shall refuse to give Copy of the

the Polls to such Candidate or Candidates, if by them required, or shall neglect to give legal Notice of the Election, Time, and Place of Election, or shall make a false or double Return of those who are not duly elected for Burgesses, as aforesaid, or shall not make any Return, or shall make Return in any other Form than is herein expressed, he or they so offending in any of the Premisses, and being thereof lawfully convicted, shall, for every such Offence, forfeit and pay the Sum of Forty Pounds Sterling Money; all which Pains and Forfeitures, in this Act expressed, shall be divided in Two equal Parts, one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, towards the better Support of the Government, and the contingent Charges thereof; and the other Moiety to the Party agrieved, or if there be no Party agrieved, to the Informer, to be recovered, with the full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this his Majesty's Colony and Dominion, wherein no Essoign, Protection, Wager of Law, Privilege, or Imparlance, shall be admitted or allowed. *A.D.* 1699.

PROVIDED always, and be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person hereafter shall be capable of being elected a Member to serve in any Assembly, who is not of the Age of Twenty one Years, and every Election and Return of any Person under that Age, is hereby declared to be Null and Void; any thing in this Act to the contrary in any wise notwithstanding.

An Act to prevent the Discontinuance of Courts and Process. N° 3.

WHereas many Justices, that constitute the County Courts of this his Majesty's Colony and Dominion, are oftentimes hindred from being at Court, by the Difficulty of crossing of Rivers, Badness of Weather, Sickness, or other Accidents, incident to those who live remote; by reason of which it often happens, that by the not meeting of a sufficient Number of Justices to hold the said Courts at the Days appointed, the Process is discontinued, Justice delayed, and many People put to the great Charge and Expence of renewing their Suit: For Remedy whereof, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and by the Authority thereof; and it is hereby Enacted, That if it shall hereafter happen, that upon a Court-day there shall not be a sufficient Number of Justices to hold the said Court, that then all Process to the said Court be continued to the next Court in course without Discontinuance; and that if it shall hereafter happen, that any of the Justices be disabled from sitting to give Judgment in any Cause or Causes, by being concerned therein, without whom there cannot be a Court, that then such Causes shall stand referred to the next Court without any Discontinuance, as if the said Causes had been actually referred by the said Court or Courts.

A.D. 1699.

№ 4.

An Act for Regulating of Juries.

FOR the better Regulation of Juries to ſerve in the General and County Courts of this his Majeſty's Colony and Dominion, Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That no Perſon or Perſons ſhall be enabled or capable to ſerve as Jurymen, in and upon any Jury or Juries in the General Court of this his Majeſty's Colony and Dominion, but thoſe who are Freeholders, and whoſe Lands and Goods, that is to ſay, Real and Perſonal Eſtate, are viſibly of the reputed Value of One hundred Pounds Sterling, and not under; and that no Perſon or Perſons ſhall be enabled or capable to ſerve as Jurymen, in and upon any Jury or Juries, in any County Court of this his Majeſty's Colony and Dominion, but whoſe Lands and Goods, that is to ſay, Real and Perſonal Eſtate, are viſibly of the reputed Value of Fifty Pounds Sterling, and not under.

And be it further Enacted by the Authority aforeſaid; and it is hereby Enacted, That no Sheriff or Sheriffs ſhall impannel or return for Jurymen, any Perſon or Perſons in or to the General Courts of this his Majeſty's Colony and Dominion, but thoſe who are Freeholders, and whoſe Lands and Goods, that is to ſay, Real and Perſonal Eſtate, are viſibly of the reputed Value of One hundred Pounds Sterling; nor in or to any County Court of this his Majeſty's Colony and Dominion, but thoſe whoſe Lands and Goods, that is to ſay, Real and Perſonal Eſtate, are viſibly of the reputed Value of Fifty Pounds Sterling; any former Law, Statute, or Uſage to the contrary in any wiſe notwithſtanding.

№ 5.

An Act for the Reſtraining and Puniſhing of Pirates and Privateers.

WHereas nothing can more conduce to the Honour of his moſt Sacred Majeſty, than that ſuch Articles of Peace, as are concluded in all Treaties, ſhould be kept and preſerved inviolable, by his Majeſty's Subjects, in and over all his Majeſty's Territories and Dominions: And foraſmuch as great Miſchiefs and Depredations are daily done upon the High Seas by Pirates and Privateers, and Sea-Robbers, in not only taking and pillaging ſeveral Ships and Veſſels belonging to his Majeſty's Subjects, but alſo in taking, deſtroying, and robbing ſeveral Ships belonging to the Subjects of Foreign Princes, in League and Amity with his Majeſty; Be it therefore Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That if any Pirates, Privateers, or Sea-Robbers, or any other Perſon ſuſpected to be ſuch, ſhall land, or put on Shore in any Port or Place in this his Majeſty's Colony and Dominion, upon Notice given, or Knowledge thereof, all Officers, Civil and Military, are hereby required and impowered to raiſe and levy ſuch a Number of well-armed Men, as he or they ſhall judge neceſſary, for the ſeizing, apprehending, and carrying to Goal all and every ſuch Perſon or Perſons: And in caſe of any Reſiſtance, or refuſing to yield Obedience to his Majeſty's Authority, it ſhall be lawful to kill and deſtroy ſuch Perſon or Perſons; and all and every Perſon or Perſons, that ſhall oppoſe or reſiſt the ſaid Authority, by ſtriking,

or firing upon any Person in Execution of this Act, shall be deemed, taken, and adjudged as Felons, without Benefit of Clergy; and every such Officer, that shall neglect or omit his Duty therein, and being lawfully convicted, shall for every such Offence forfeit Fifty Pounds Sterling; one Moiety to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that shall sue or inform for the same in any Court of Record in this his Majesty's Colony and Dominion; in which no Essoign, Protection, or Wager of Law shall be allowed. A.D. 1699.

AND for the better and more speedy Execution of Justice upon such, who, having committed Treasons, Piracies, Felonies, or other Offences, upon the Sea, and shall be apprehended or brought Prisoners to this his Majesty's Colony and Dominion, Be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That all Treasons, Felonies, Piracies, Robberies, Murders, or other Capital Offences, that shall be committed upon the High Seas, or in any River, Haven, Creek, or Bay, where the Admiral hath Jurisdiction, shall be enquired, tried, heard, determined, judged, and Execution awarded and done, within this his Majesty's Colony and Dominion, in such Form, as if such Offence had been committed in and upon the Land of this his Majesty's Colony and Dominion, and to that End and Purpose the Governor or Commander in chief of this his Majesty's Colony and Dominion for the time being, is hereby desired and impowered to issue out Commissions of *Oyer* and *Terminer* under his Hand, and his Majesty's Seal of this his Colony and Dominion for the time being, directed to the Judge or Judges of the Admiralty of this his Majesty's Colony and Dominion for the time, and to such other substantial Persons, as he shall think fit to nominate and appoint; which said Commissioners, or such a *Quorum* of them, as by such Commission shall be therein authorized, shall have as full, ample Power and Authority to hear and determine, adjudge and punish all and any the Crimes and Offences aforesaid, as any Commissioners under the Great Seal of *England*, by Virtue of a Statute made in the Twenty eighth Year of the Reign of King *Henry* VIII. might or could do or execute within the Kingdom of *England*; and that such Offenders, which are or shall be apprehended or brought Prisoners to this his Majesty's Colony and Dominion, shall be liable to such Order, Process, Judgments, and Execution, by Virtue of such Commission to be grounded upon this Act, as might be awarded or given against them, if they were proceeded against within the Realm of *England* by Virtue of any Commission grounded upon the said Statute.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That all and every Person or Persons, that shall knowingly or wilfully conceal, entertain, harbour, trade, or hold any Correspondency, by Letter or otherwise, with any Person or Persons, that shall be deemed or adjudged to be Pirates, Privateers, or other Offenders, within the Construction of this Act, and shall not readily endeavour, to the best of his or their Power, to apprehend, or cause to be apprehended, such Offender or Offenders, shall be liable to be prosecuted as Accessories to the said Offences, and Confederates with the said Offenders, and to suffer such Pains and Penalties, as in such Cases by Law are provided.

An

A.D. 1699.

Nº 6. **An Act for the Punishment of Slaves for the first and second Offence of Hog-stealing.**

WHereas the Third Act of Assembly, made at *James-City* the Sixteenth Day of *April*, One thousand six hundred ninety one, Intituled, *An Act for the more speedy Prosecution of Slaves committing Capital Crimes*, have been found inconvenient, by making the first Offence of Hog-stealing Felony, which is not so by the former Law of this his Majesty's Colony and Dominion; Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That for the first Offence of Hog-stealing, committed by a Negro or Slave, he shall be carried before a Justice of Peace of the County where the Fact was committed, before whom being convicted of the said Offence by One Evidence, or by his own Confession, he shall, by Order of the said Justice, receive on his bare Back Thirty nine Lashes, well laid on; and for the second Offence, such Negro or Slave, upon Conviction before a Court of Record, shall stand Two Hours in the Pillory, and have both his Ears nailed thereto, and at the Expiration of the said Two Hours, have his Ears cut off close by the Nails; any thing in the aforesaid Act, or any other Law to the contrary in any wise notwithstanding.

Nº 7. **An Act prohibiting the unseasonable killing of Deer.**

WHereas the Deer of this his Majesty's Colony and Dominion is very much destroyed and diminished by the unseasonable killing them when poor, and of Does big with young, to the great Detriment of the Inhabitants of this his Majesty's Colony and Dominion, without bringing any considerable Benefit to those that kill them: For Remedy whereof, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That, from and after the First Day of *February* next ensuing, no Person or Persons shall shoot or kill any Deer, running wild in the Woods or unfenced Grounds, in this his Majesty's Colony and Dominion, at any time or times between the First Day of *February* and the last Day of *July*, that shall happen in every Year; and if any Person or Persons shall, contrary to the true Intent and Meaning of this Act, kill or destroy any Deer, or cause any Deer to be killed or destroyed, or shall buy or receive of any *Indian*, or other Person whatsoever, any Deer, killed within the Time before limited, he or they so offending, and being thereof lawfully convicted, shall, for every Deer so killed, destroyed, bought, or received, as aforesaid, forfeit and pay the Sum of Five hundred Pounds of Tobacco; one Moiety to the King's most excellent Majesty, his Heirs and Successors, to be applied to the Use of the Parish, where every such Offence shall be committed respectively; and the other Moiety, with full Costs of Suit, to him or them that will sue or inform for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this his Majesty's Colony and Dominion, in which no Essoign, Protection, or Wager of Law, shall be allowed.

PROVIDED

PROVIDED always, That if any Slave, or other Servant, who is incapable of paying the Penalty provided by this Act, shall of his or their own Accord, without the Privity of his or their Master, Mistress, or Overseer, kill or destroy any Deer, contrary to the true Intent and Meaning of this Act, he or they so offending, shall for every such Offence have and receive, on his or their bare Back or Backs, Thirty Lashes, well laid on, to be inflicted by Order of such Justice, to whom Information of the same shall be made upon Oath. A. D. 1699.

An Act appointing a Committee for the Revisal of the whole Body of the Laws of this his Majesty's Colony and Dominion.

No 8. Obsolete.

An Act prohibiting the Exportation of Indian *Corn till the Twenty fifth Day of* December, 1700.

No 9. Expired.

An Act for confirming Titles to Town-Lands.

No 10.

WHereas the Execution of the Eighth Act of Assembly, made the Sixteenth Day of *April*, One thousand six hundred ninety one, Intituled, *An Act for Ports*, &c. stands suspended by the first Act of Assembly, made the Second Day of *March*, One thousand six hundred ninety two-three, Intituled, *An Act for suspending the Execution of the Act for Ports*, &c. And forasmuch as, pursuant to the said Act for Ports, *&c.* divers Tracts of Land have been purchased and laid out for Ports and Towns in the respective Places appointed by the said Act, and vested in Trustees, many of which have conveyed Lots or Half-Acres therein to several Persons, who have built thereon, and have made several considerable Improvements; and several others having accepted Lots or Half-Acres, for which they have no Conveyances, and by reason of the aforesaid Act for Suspension they cannot obtain; also some of the Trustees being dead, and others departed the Country, so that the remaining Lands cannot be conveyed to such Persons, as desire to build thereon: For Remedy of all which, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That where any County or Counties have purchased, laid out, and paid for any Lands, for Ports or Towns, pursuant to the said Act for Ports, *&c.* or to any other Act of Assembly, and have vested the same in Feoffee or Trustees, according to the said Act or Acts, such Feoffees or Trustees so invested, are hereby declared to have a good, absolute, and indefeasible Estate in Fee in such Lands respectively (which have not been disposed of by former Trustees) in Trust and Confidence to and for the Uses in the said Act for Ports, *&c.* mentioned, and for no other Use or Purpose whatsoever, and the said Land or Lands are hereby confirmed to the said Feoffees or Trustees in Fee to such Use or Uses; any thing in the said Suspension, or any other Law, Statute, Usage, or Custom to the contrary in any wise notwithstanding.

A.D. 1699. AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That where any County or Counties, pursuant to the said Act for Ports, or any other Act of Assembly, have purchased, laid out, and paid for Fifty Acres of Land, and the same, by the Death or Refusal of the Proprietor, or other Accident, hath not been conveyed to Trustees, according to the said Law or Laws, such Land or Lands shall be, and are hereby confirmed to such Feoffees or Trustees, as hereafter, by Virtue of this Act, shall be appointed by the County Courts, to and for the Uses aforesaid, in as full and ample Manner, as if the said Land or Lands had been really and actually conveyed in Law by such Proprietor or Proprietors to such Feoffees or Trustees in Manner as by the said Act for Ports is expressed.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if in any County the Feoffees or Trustees, already appointed by Virtue of the said Act for Ports, be dead, or departed out of this Country, the County Courts of such respective County are hereby impowered and required to appoint other Feoffees or Trustees, who are hereby invested and confirmed in the Fee of all such Land or Lands (not by former Trustees disposed of) to the Use or Uses afore-mentioned, and to no other Use or Purpose whatsoever; and all Feoffees or Trustees, by Virtue of the said Act for Ports, *&c.* already made, or, by Virtue of this Act, hereafter to be made, are hereby impowered and required, in their respective County, to convey and make over any Lot or Lots, Half-Acre or Half-Acres of Land, to such Person or Persons, as shall desire to take up the same, according to the said Act for Ports, and upon the Conditions therein specified, as if the said Act for Ports had never been suspended; any thing in the said Act for Suspension, or any other Law, Statute, or Custom to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons have purchased and paid for any Lot or Lots, Half-Acre or Half-Acres of Land in any of the said Places of any Feoffees or Trustees, pursuant to the said Law, and have fully complied with the Conditions in the said Law mentioned and set down, such Person or Persons are hereby declared to be invested with, and have a good, absolute, and indefeasible Estate in Fee to such Lot or Lots, Half-Acre or Half-Acres of Land, and the same is hereby confirmed in Fee to such Person and Persons, and to his and their Heirs for ever.

PROVIDED always, and be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons have taken up and paid for any Lot or Lots, Half-Acre or Half-Acres, in any Land laid out for Ports or Towns, *&c.* as aforesaid, and have yet received no Conveyance for the same, the respective Feoffees or Trustees already made, or by Virtue of this Law hereafter shall be made, are hereby impowered and required to give and make a firm and absolute Estate in Fee to such Person or Persons for such Lot or Lots, Half-Acre or Half-Acres, as if the said Suspension had never been made.

PROVIDED always, and be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons have taken up and paid for any Lot or Lots, Half-Acre or Half-Acres in any such Lands for Ports and Towns, *&c.* pursuant to the said Law, and have laid Timbers on the same, or any ways proceeded in order to comply with the Condition of building upon such Lot or Lots, Half-Acre or Half-Acres, according to the said Act for Ports, *&c.* but upon Suspension thereof have neglected to proceed therein, such Person or Persons are allowed and permitted Twelve Months Time for the same, after the Publication of this Act.

An

A. D. 1699.

An Act for lessening the Levy by the Poll, and laying an Imposition upon Liquors, for and towards the building the Capitol, and other Publick Uses.

No 11. Expired.

An Act for laying an Imposition upon Servants and Slaves imported into this Country, towards building the Capitol.

No 12. Ditto.

An Act ascertaining Collectors and Naval Officers Fees.

No 13.

WHereas the Offices of the Collectors and Naval Officers were formerly executed by one and the same Person, and being now divided into Two distinct Offices: And forasmuch as the Laws already made, relating thereto, do not sufficiently provide for the same; and to the End that to each Officer may be ascertained proper Fees, Be it therefore Enacted by the Governor, Council and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That an Act of Assembly made at *James-City* the Fifth Day of *June*, One thousand six hundred seventy six, Intituled, *An Act ascertaining the Price of Cocquets*; and one other Act, made at *James-City* the Twenty fifth of *April*, One thousand six hundred seventy nine, Intituled, *An Act ascertaining Collectors Fees for Entry and Clearing Ships*, &c. and another Act of Assembly, made at *James-City* the Second Day of *March*, One thousand six hundred ninety two, Intituled, *An Act for ascertaining the Price of Coasting Cocquets, and requiring Officers Attendance*, and all and every Clause and Article in all and every the said Acts contained, shall be, and are hereby Repealed and made Void, Null, and of none Effect, to all Intents, Constructions and Purposes, as if the said Acts had never been made; any thing in the said Acts, or in any of them, to the contrary in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That no Collector, or Naval Officer, shall, from and after the Publication of this Act, charge, demand, exact, and take any more or greater Fee or Fees, for any Business, Matter, or Thing, by such Collector or Naval Officer to be done or performed, than what is hereafter particularly enumerated, set down, and expressed in the following Tables, to wit,

That

A.D. 1699. That the Naval Officer's Fees shall be as followeth;

	l.	s.	d.
First, FOR Entring and Clearing any Vessel, if under Fifty Tuns	—	7	6
For taking a Bond	—	2	6
For a Permit to trade	—	2	6
For every Loading Cocquet here	—	1	—
For a Permit to sail	—	5	—
For a Certificate for all Imported Goods, that shall be removed out of one District into another, after they are once landed	—	2	6
For Entring and Clearing any Ship or Vessel, if above Fifty Tuns, and under One hundred Tuns	—	10	—
For Entring and Clearing any Ship or Vessel, if above One hundred Tuns	1	5	—

That the Collector's Fees shall be,

FOR Entring and Clearing any Ship or Vessel under Fifty Tuns, and all Fees whatsoever incident thereto	—	10	—
For Entring and Clearing any Ship or Vessel, if above Fifty Tuns, and under One hundred Tuns, and all Fees incident thereto	—	15	—
For Entring and Clearing any Ship or Vessel, if above One hundred Tuns, and all Fees incident thereunto	1	5	—

And if any Collector or Naval Officer shall charge, exact, demand, and take any other Fee or Fees, than what is by this Act particularly set down and expressed, and shall exact and take any larger or greater Fee or Fees for any Matter or Thing, than is by this Act allowed and given, he or they so offending, and being thereof lawfully convicted, shall, for the first Offence, forfeit and pay the Sum of One hundred Pounds Sterling; one Moiety to the King's most Excellent Majesty, his Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Moiety to the Party injured, to be recovered in any of his Majesty's Courts of Record in this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Protection, or Wager of Law, Privilege, or more than one Imparlance, shall be admitted or allowed; and for the second Offence, being lawfully convicted, as aforesaid, shall be utterly incapable, and disabled in Law, to hold, execute, and enjoy the Place and Office of Collector or Naval Officer, or any Profits or Advantage arising therefrom, for ever, and the said Place or Office shall immediately after such Conviction be void to such Person or Persons, to all Intents and Purposes, as if he or they had been actually dead: Provided always, That Suit be commenced within Twelve Months after the Breach of the said Act by any Officers aforesaid.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That every Naval Officer or Collector shall and is by this Act enjoyned, within Three Months after the Publication hereof, to set up, or cause to be set up, fairly written, in his respective Office, a Table or Copy of the Fees in this said Act before recited, which being so set up, shall be, from time to time, so continued by each Naval Officer and Collector.

An

A.D. 1699.

An Act directing the Building the Capitol and the City of Williamsburgh, *&c.* No 14. Obsolete.

An Act appointing a Treasurer. No 15. *Ditto.*

An Act for Raising a Publick Levy. No 16. Expired.

At a GENERAL ASSEMBLY begun at his Majesty's Royal College of *William* and *Mary*, adjoyning to the City of *Williamsburgh*, the 5th Day of *December*, 1700.

An Act for Continuing the Act prohibiting the Exportation of Indian *Corn.* Nº 1. Expired.

An Act making the French *Refugees, inhabiting at the* Manakin *Town, and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of Publick and County Levies for Seven Years.* Nº 2. *Ditto.*

An Act for the more effectual and speedy Carrying on the Revisal of the Laws. Nº 3. Obsolete.

An Act for Raising a Publick Levy. Nº 4. Expired.

At

At a General Assembly begun at his Majesty's Royal College of *William* and *Mary*, adjoyning to the City of *Williamsburgh*, the 5th Day of *December*, in the 12th Year of the Reign of our Sovereign Lord *William* III. of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Domini*, 1700. And thence Continued by ſeveral Prorogations to the 6th Day of *Auguſt*, 1701. and in the 13th Year of his Majeſty's Reign.

An Act for the better Strengthning the Frontiers, and diſcovering the Approaches of an Enemy. No 1.

WHEREAS the moſt proper Ways and Means for ſtrengthning the Frontiers of this his Majeſty's moſt ancient Colony and Dominion againſt the Invaſions and Incurſions of any Enemy by Land, and for the better Prevention of Murders, Robberies, and other Spoils, from being committed thereon, is thought to be by Co-habitations upon the ſaid Land Frontiers within this Government, and that the beſt Method to effect the ſame, will be by Encouragement to induce Societies of Men to undertake the ſame: And whereas a leſs Number than Twenty able fighting Men, is not thought a ſufficient Defence in ſuch Co-habitation; Be it therefore Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That theſe following Encouragements ſhall be given for ſuch Co-habitations, under the Conditions, Rules, and Directions hereafter following, (that is to ſay) That there ſhall be granted to every certain Number of Men, who ſhall enter into Societies, and agree to undertake ſuch Co-habitations, any Quantity of Land, not under the Quantity of Ten thouſand Acres, nor exceeding the Quantity of Thirty thouſand Acres, upon any of the Frontiers within this Government, where-ever it ſhall be found, not legally taken up or poſſeſſed by any of his Majeſty's Liege People; which Land ſhall be held by ſuch Societies or Companies of Men in Common, as Tenants in Common, and undivided to them, and each of them, their and each of their Heirs, A.D. 1701.

A.D. 1701. for ever, as to their several respective Interests and Properties in the said Land, and every Part thereof, so that at the Death of any of them, the Right of such Person may descend to his Heirs, and so from Heir to Heir, and not go to the Survivor: Provided always, That the Power of Ordering and Managing the said Land, and the Planting and Settling thereof, still be and remain in the said Societies of Men or Undertakers, and such of the Heirs and Purchasers thereof, as shall be of Age, or the major Part of them.

AND whereas the easing the Charge usually accruing in the first Surveying and taking up of Land in this his Majesty's Colony and Dominion, and in the Payment of Quit-Rents, would be a very great Inducement and Encouragement for making the said Co-habitations and defensive Settlements: This present General Assembly having taken the same into their serious Consideration, and the Inability of the County at this time by any other Ways or Means to make any Forts and such like Defences; Be it therefore Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Grant and Settlement shall be made in Pursuance of this Act, the Charge of Surveying thereof, and laying out the Two hundred Acres for the Co-habitations and Lands for the Forts, shall be defrayed by the Country, together with the Quit-Rents due to his Majesty, for the first Twenty Years, as they shall become due.

AND for a further Encouragement, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That all Persons, that shall go or be sent to settle and remain in any of the Settlements or Co-habitations to be made by Virtue of this Act, shall for the first Twenty Years after such Settlement made, wherein they reside, be free and exempted from paying any Publick County or Parish Levies within this Government.

AND also for their further Encouragement, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That all such Persons, as shall be settled in Co-habitations by Virtue of this Act, shall be also exempted from all Military Commands, but what shall be settled by Publick Authority, among themselves, and shall tend to their own Defence and Security.

AND for the Encouragement of all such Persons, able and well fitted to serve in War, as shall joyn themselves to such Undertaking for Co-habitations, and be under the Rules and Directions therein and here by this Act appointed, and to be appointed, where and so long as the Quantity of Lands undertaken for shall be less than Thirty thousand Acres; Be it also further Enacted by the Authority aforesaid; and it is hereby Enacted, That there shall be granted to every such Person, until the said Quantity of Thirty thousand Acres shall be compleatly taken up, a Right to Two hundred Acres of Land next adjacent at his Choice, together with half an Acre to seat upon, and being not before seated within the said Two hundred Acres of Land to be laid out for the Co-habitations, as shall be directed to be held and enjoyed by him, his Heirs and Assigns, under the Liberties, Freedoms, Exemptions and Franchises herein by this Act given to such Societies and Undertakers, so long as the said Person so joyning himself, his Heirs or Assigns, shall continue and keep the Conditions of the said Settlement and Co-habitation, and no longer.

PROVIDED always, and it is the true Intent and Meaning of this Act, That for every Five hundred Acres of Land, to be granted in Pursuance of this Act, there shall be, and shall continually be kept upon the said Land, One Christian Man, between Sixteen and Sixty Years of Age, perfect of Limb, able and fit for Service, who shall also be continually provided with a well fixed Musket or Fusee, a good Pistol, sharp Scimiter, Tomahauk, and Five Pounds of good, clean Pistol Powder, and Twenty Pounds of sizeable Leaden Bullets, or Swan or Goose Shot, to be kept within the Fort directed by this Act, besides the Powder and Shot for his necessary or useful Shooting at Game.

PROVIDED

PROVIDED also, That the said Warlike Christian Man shall have his Dwelling and continual Abode within the Space of Two hundred Acres of Land, to be laid out in a Geometrical Square, or near that Figure, as Conveniency will admit for the same to be laid out within the said Quantity of Land first mentioned by this Act to be granted.

PROVIDED also, That because the Constitution of this Country does not enable us to make such a Settlement at once, and that it is not likely to be done amongst our selves, or from any other Place, without some reasonable Time be given; It is the true Intent and Meaning of this Act, That if within Two Years from the obtaining any Grant upon this Act, the Grantees or Undertakers shall seat, or cause to be seated upon the said Land, and within the Two hundred Acres before-mentioned to be laid out for Co-habitations, Ten able, Warlike, Christian Men, armed and provided, as aforesaid, and so for every Two Years after Ten more such able, Warlike, Christian Men, so armed and provided, until the whole Number shall be compleated, of One such Man so fixed for every Five hundred Acres, such Grant shall continue, and from time to time keep up such Settlement, it shall be taken for a full Compliance and Settlement within this Act, and to take and hold, by Virtue of such Grant; any thing in this Act contained to the contrary notwithstanding.

PROVIDED also, That by the Expiration of the first Two Years after the Grant aforesaid, the said Societies or Undertakers, and such as shall joyn with them, shall pallisado in, or cause to be pallisadoed in, for a Fort, one Half-Acre of Land (to be laid out in the Middle of the said Two hundred Acres appointed for the Co-habitation) with good sound Pallisadoes, at least Thirteen Foot long, Six Inches Diameter in the Middle of the Length thereof, and set double, and at least Three Foot within the Ground.

AND for further Encouragement, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That when such Fort shall be made, there shall be paid by the County Ten Pounds Sterling, towards a Publick Storehouse, and other necessary Houses within the said Fort.

PROVIDED also, That when any Person or Persons shall joyn themselves to the said Co-habitation after the first Undertaking, as aforesaid, and shall desert the same, or not keep up his or their Part or Parts of the Conditions in this Act mentioned, the said Two hundred Acres of Land, by this Act appointed to be granted him or them, shall revert to the King without any Inquest or farther Inquiry, and be liable to be taken up, under the Conditions he or they took up the same, by the next that will, and the Half-Acre to the Society of Undertakers; any thing in this Act to the contrary in any wise notwithstanding.

PROVIDED always, That the Governor or Commander in chief of this his Majesty's ancient Colony and Dominion of *Virginia*, may be, and he is hereby desired to nominate, chuse, and appoint One or more, as to him shall seem meet, that shall be President in each of the Co-habitations or Towns to be made by Virtue of this Act, to reside and lodge in the Fort, and to command and rule the rest in all Military Affairs, according to such Orders and Directions, as he or they shall, from time to time, receive from the Governor or Commander in chief for the time being; and also to give Directions in what shall be needful or convenient in raising, maintaining, and keeping their Fort in Repair, and Strengthning the same.

AND for the further Security of the Frontiers, as well towards the Sea as Land, during these Times of Danger; and for discovering the Approaches of an Enemy by Sea, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Colonels or Commanders in chief of the Militia in the several Counties of *Elizabeth* City, *Princess Anne*, *Accomack* and *Northampton*, order and appoint Two Men in each of the said Counties, at such Times and Places, as the Governor for the time being shall appoint; which said Men shall

keep

A.D. 1701. keep a constant Look-out to Seaward by Night and by Day; and if they, or any of them, shall happen to see any Ship or Vessel upon the Sea, they shall diligently observe the Courses and Motions of the said Ship or Vessel; and if the same Look-outs, who shall espy them, have any Suspicion of their being Enemies, they shall immediately give Notice thereof to the next Commission Officer of the Militia, who is hereby required forthwith to signifie the same to the Chief Commander for the time being of the Militia of that County.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Notice shall be given to the Chief Officer of the Militia for the time being, in any Frontier County, either by Land or Sea, of the Approach of an Enemy, such Chief Officer is hereby authorized, impowered and required immediately to issue his Warrants for the impressing Horse and Man, and Boat and Hands, as the Occasion shall require, to carry the said Notice to the Governor or Commander in chief of this his Majesty's Colony and Dominion for the time being, and to the Chief Officers of the Militia in the next adjacent Frontier County, with what Orders and Directions he designs therein; and is also hereby further authorized and impowered to call together such Number of the Militia, as he shall think fit, and together with the Advice of the Commission Officers, who shall meet him, to march the said Militia against the Enemies, and to imbattle, repel, subdue, take, kill or destroy them, until further Order, to be given by the Governor or Commander in chief for the time being.

And it is further Enacted by the Authority aforesaid, That the Look-outs by this Act appointed, shall, for what Time they serve, be paid by the Publick, after the Rate of Two hundred Pounds of Tobacco *per* Month.

And be it further Enacted by the Authority aforesaid, That the Militia, raised or to be raised by Force and Virtue of this Act, if they be out above Four Days, they, and every of them, shall receive Pay, and be satisfied by the Publick for every Day they shall be in Service after these Rates, *viz.* Each Captain, finding himself Horse, Arms, Ammunition, Provision, and all other Necessaries, Ten thousand Pounds of Tobacco, and Cask, for one Year, and so proportionable for a shorter or longer Time: Each Lieutenant, finding and providing himself with Horse, Arms, Ammunition, and all other Necessaries, Five thousand Pounds of Tobacco, and Cask, for one Year, and so proportionably for a shorter or longer Time: And every Private Soldier, finding himself with Horse, Arms, and Ammunition, and all Necessaries, Three thousand Pounds of Tobacco, and Cask, for one Year, and so proportionably for a shorter or longer Time.

N° 2. Effected.

An Act for the more effectual Apprehending an Out-lying Negro, who hath committed divers Robberies and Offences.

An

A.D. 1701.

An Act giving Power to the Sheriffs attending the General Court, to summon Jurors and Evidences within the City of Williamsburgh, *and half a Mile round the same.* N° 3.

WHereas it is found very necessary, that the Sheriff and his Officers, which shall attend the General Courts, have Power beyond the Bounds of his County, to summon Grand Jurors, Jurors, and Evidences, to attend the said Courts; Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the Sheriff, and his Deputies and Bailiffs, which shall attend the General Courts, and every of them, over and above the Power they have in their County, be impowered, and they, and every of them, are hereby impowered to summon Grand Jurors, Jurors, and Evidences in all and every Part of the City of *Williamsburgh*, and half a Mile Compass from the same, and to make Return thereof to the General Court, which Return so made, shall be, and be adjudged sufficient for the General Court to ground their Judgment upon, to fine, as the Law directs, the Delinquent, in not appearing according to the said Summons.

An Act for Dividing King and Queen County. N° 4. Private.

An Act Continuing the Acts laying Impositions on Liquors, Servants, and Slaves, until the Twenty fifth of December, 1703. N° 5. Expired.

An Act giving further Directions in Building the Capitol, and for Building a Publick Prison. N° 6. Obsolete.

An Ordinance of Assembly prohibiting the Ordinary-keepers to entertain the Workmen employed in Building the Capitol. N° 7. Expired.

An Ordinance of Assembly for settling the Bounds of the Isle of Wight, Surry, *and* Charles-City *Counties, on the South-side* Black-water *Swamp.* N° 8. Private.

At a GENERAL ASSEMBLY begun at his Majesty's Royal College of *William* and *Mary*, adjoyning to the City of *Williamsburgh*, the 5th Day of *December*, in the 12th Year of the Reign of our Sovereign Lord *William* III. of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Domini*, 1700. And thence Continued by several Prorogations to the 6th Day of *August*, 1701. and in the 13th Year of his Majesty's Reign.

An Act for the better Strengthning the Frontiers, and discovering the Approaches of an Enemy. No. 1.

A. D. 1701.

WHEREAS the most proper Ways and Means for strengthning the Frontiers of this his Majesty's most ancient Colony and Dominion against the Invasions and Incursions of any Enemy by Land, and for the better Prevention of Murders, Robberies, and other Spoils, from being committed thereon, is thought to be by Co-habitations upon the said Land Frontiers within this Government, and that the best Method to effect the same, will be by Encouragement to induce Societies of Men to undertake the same: And whereas a less Number than Twenty able fighting Men, is not thought a sufficient Defence in such Co-habitation; Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That these following Encouragements shall be given for such Co-habitations, under the Conditions, Rules, and Directions hereafter following, (that is to say) That there shall be granted to every certain Number of Men, who shall enter into Societies, and agree to undertake such Co-habitations, any Quantity of Land, not under the Quantity of Ten thousand Acres, nor exceeding the Quantity of Thirty thousand Acres, upon any of the Frontiers within this Government, where-ever it shall be found, not legally taken up or possessed by any of his Majesty's Liege People; which Land shall be held by such Societies or Companies of Men in Common, as Tenants in Common, and undivided to them, and each of them, their and each of their Heirs,

A.D. 1701. for ever, as to their ſeveral reſpective Intereſts and Properties in the ſaid Land, and every Part thereof, ſo that at the Death of any of them, the Right of ſuch Perſon may deſcend to his Heirs, and ſo from Heir to Heir, and not go to the Survivor: Provided always, That the Power of Ordering and Managing the ſaid Land, and the Planting and Settling thereof, ſtill be and remain in the ſaid Societies of Men or Undertakers, and ſuch of the Heirs and Purchaſers thereof, as ſhall be of Age, or the major Part of them.

And whereas the eaſing the Charge uſually accruing in the firſt Surveying and taking up of Land in this his Majeſty's Colony and Dominion, and in the Payment of Quit-Rents, would be a very great Inducement and Encouragement for making the ſaid Co-habitations and defenſive Settlements: This preſent General Aſſembly having taken the ſame into their ſerious Conſideration, and the Inability of the County at this time by any other Ways or Means to make any Forts and ſuch like Defences; Be it therefore Enacted by the Authority aforeſaid; and it is hereby Enacted, That when any Grant and Settlement ſhall be made in Purſuance of this Act, the Charge of Surveying thereof, and laying out the Two hundred Acres for the Co-habitations and Lands for the Forts, ſhall be defrayed by the Country, together with the Quit-Rents due to his Majeſty, for the firſt Twenty Years, as they ſhall become due.

And for a further Encouragement, Be it alſo Enacted by the Authority aforeſaid; and it is hereby Enacted, That all Perſons, that ſhall go or be ſent to ſettle and remain in any of the Settlements or Co-habitations to be made by Virtue of this Act, ſhall for the firſt Twenty Years after ſuch Settlement made, wherein they reſide, be free and exempted from paying any Publick County or Pariſh Levies within this Government.

And alſo for their further Encouragement, Be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That all ſuch Perſons, as ſhall be ſettled in Co-habitations by Virtue of this Act, ſhall be alſo exempted from all Military Commands, but what ſhall be ſettled by Publick Authority, among themſelves, and ſhall tend to their own Defence and Security.

And for the Encouragement of all ſuch Perſons, able and well fitted to ſerve in War, as ſhall joyn themſelves to ſuch Undertaking for Co-habitations, and be under the Rules and Directions therein and here by this Act appointed, and to be appointed, where and ſo long as the Quantity of Lands undertaken for ſhall be leſs than Thirty thouſand Acres; Be it alſo further Enacted by the Authority aforeſaid; and it is hereby Enacted, That there ſhall be granted to every ſuch Perſon, until the ſaid Quantity of Thirty thouſand Acres ſhall be compleatly taken up, a Right to Two hundred Acres of Land next adjacent at his Choice, together with half an Acre to ſeat upon, and being not before ſeated within the ſaid Two hundred Acres of Land to be laid out for the Co-habitations, as ſhall be directed to be held and enjoyed by him, his Heirs and Aſſigns, under the Liberties, Freedoms, Exemptions and Franchiſes herein by this Act given to ſuch Societies and Undertakers, ſo long as the ſaid Perſon ſo joyning himſelf, his Heirs or Aſſigns, ſhall continue and keep the Conditions of the ſaid Settlement and Co-habitation, and no longer.

Provided always, and it is the true Intent and Meaning of this Act, That for every Five hundred Acres of Land, to be granted in Purſuance of this Act, there ſhall be, and ſhall continually be kept upon the ſaid Land, One Chriſtian Man, between Sixteen and Sixty Years of Age, perfect of Limb, able and fit for Service, who ſhall alſo be continually provided with a well fixed Muſket or Fuſee, a good Piſtol, ſharp Scimiter, Tomahauk, and Five Pounds of good, clean Piſtol Powder, and Twenty Pounds of ſizeable Leaden Bullets, or Swan or Gooſe Shot, to be kept within the Fort directed by this Act, beſides the Powder and Shot for his neceſſary or uſeful Shooting at Game.

Provided

PROVIDED also, That the said Warlike Christian Man shall have his Dwelling and continual Abode within the Space of Two hundred Acres of Land, to be laid out in a Geometrical Square, or near that Figure, as Conveniency will admit for the same to be laid out within the said Quantity of Land first mentioned by this Act to be granted. *A.D.* 1701.

PROVIDED also, That because the Constitution of this Count: does not enable us to make such a Settlement at once, and that it is not likely to be done amongst our selves, or from any other Place, without some reasonable Time be given; It is the true Intent and Meaning of this Act, That if within Two Years from the obtaining any Grant upon this Act, the Grantees or Undertakers shall seat, or cause to be seated upon the said Land, and within the Two hundred Acres before-mentioned to be laid out for Co-habitations, Ten able, Warlike, Christian Men, armed and provided, as aforesaid, and so for every Two Years after Ten more such able, Warlike, Christian Men, so armed and provided, until the whole Number shall be compleated, of One such Man so fixed for every Five hundred Acres, such Grant shall continue, and from time to time keep up such Settlement, it shall be taken for a full Compliance and Settlement within this Act, and to take and hold, by Virtue of such Grant; any thing in this Act contained to the contrary notwithstanding.

PROVIDED also, That by the Expiration of the first Two Years after the Grant aforesaid, the said Societies or Undertakers, and such as shall joyn with them, shall pallisado in, or cause to be pallisadoed in, for a Fort, one Half-Acre of Land (to be laid out in the Middle of the said Two hundred Acres appointed for the Co-habitation) with good sound Pallisadoes, at least Thirteen Foot long, Six Inches Diameter in the Middle of the Length thereof, and set double, and at least Three Foot within the Ground.

AND for further Encouragement, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That when such Fort shall be made, there shall be paid by the County Ten Pounds Sterling, towards a Publick Storehouse, and other necessary Houses within the said Fort.

PROVIDED also, That when any Person or Persons shall joyn themselves to the said Co-habitation after the first Undertaking, as aforesaid, and shall desert the same, or not keep up his or their Part or Parts of the Conditions in this Act mentioned, the said Two hundred Acres of Land, by this Act appointed to be granted him or them, shall revert to the King without any Inquest or farther Inquiry, and be liable to be taken up, under the Conditions he or they took up the same, by the next that will, and the Half-Acre to the Society of Undertakers; any thing in this Act to the contrary in any wise notwithstanding.

PROVIDED always, That the Governor or Commander in chief of this his Majesty's ancient Colony and Dominion of *Virginia*, may be, and he is hereby desired to nominate, chuse, and appoint One or more, as to him shall seem meet, that shall be President in each of the Co-habitations or Towns to be made by Virtue of this Act, to reside and lodge in the Fort, and to command and rule the rest in all Military Affairs, according to such Orders and Directions, as he or they shall, from time to time, receive from the Governor or Commander in chief for the time being; and also to give Directions in what shall be needful or convenient in raising, maintaining, and keeping their Fort in Repair, and Strengthning the same.

AND for the further Security of the Frontiers, as well towards the Sea as Land, during these Times of Danger; and for discovering the Approaches of an Enemy by Sea, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Colonels or Commanders in chief of the Militia in the several Counties of *Elizabeth* City, *Princess Anne*, *Accomack* and *Northampton*, order and appoint Two Men in each of the said Counties, at such Times and Places, as the Governor for the time being shall appoint; which said Men shall keep

A. D. 1701. keep a constant Look-out to Seaward by Night and by Day; and if they, or any of them, shall happen to see any Ship or Vessel upon the Sea, they shall diligently observe the Courses and Motions of the said Ship or Vessel; and if the same Look-outs, who shall espy them, have any Suspicion of their being Enemies, they shall immediately give Notice thereof to the next Commission Officer of the Militia, who is hereby required forthwith to signifie the same to the Chief Commander for the time being of the Militia of that County.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Notice shall be given to the Chief Officer of the Militia for the time being, in any Frontier County, either by Land or Sea, of the Approach of an Enemy, such Chief Officer is hereby authorized, impowered and required immediately to issue his Warrants for the impressing Horse and Man, and Boat and Hands, as the Occasion shall require, to carry the said Notice to the Governor or Commander in chief of this his Majesty's Colony and Dominion for the time being, and to the Chief Officers of the Militia in the next adjacent Frontier County, with what Orders and Directions he designs therein; and is also hereby further authorized and impowered to call together such Number of the Militia, as he shall think fit, and together with the Advice of the Commission Officers, who shall meet him, to march the said Militia against the Enemies, and to imbattle, repel, subdue, take, kill or destroy them, until further Order, to be given by the Governor or Commander in chief for the time being.

And it is further Enacted by the Authority aforesaid, That the Look-outs by this Act appointed, shall, for what Time they serve, be paid by the Publick, after the Rate of Two hundred Pounds of Tobacco *per* Month.

And be it further Enacted by the Authority aforesaid, That the Militia, raised or to be raised by Force and Virtue of this Act, if they be out above Four Days, they, and every of them, shall receive Pay, and be satisfied by the Publick for every Day they shall be in Service after these Rates, *viz.* Each Captain, finding himself Horse, Arms, Ammunition, Provision, and all other Necessaries, Ten thousand Pounds of Tobacco, and Cask, for one Year, and so proportionable for a shorter or longer Time: Each Lieutenant, finding and providing himself with Horse, Arms, Ammunition, and all other Necessaries, Five thousand Pounds of Tobacco, and Cask, for one Year, and so proportionably for a shorter or longer Time: And every Private Soldier, finding himself with Horse, Arms, and Ammunition, and all Necessaries, Three thousand Pounds of Tobacco, and Cask, for one Year, and so proportionably for a shorter or longer Time.

N° 2. Effected.

An Act for the more effectual Apprehending an Out-lying Negro, who hath committed divers Robberies and Offences.

An

A. D. 1701.

An Act giving Power to the Sheriffs attending the General Court, to summon Jurors and Evidences within the City of Williamsburgh, *and half a Mile round the same.* Nº 3.

WHereas it is found very necessary, that the Sheriff and his Officers, which shall attend the General Courts, have Power beyond the Bounds of his County, to summon Grand Jurors, Jurors, and Evidences, to attend the said Courts; Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof; and it is hereby Enacted, That the Sheriff, and his Deputies and Bailiffs, which shall attend the General Courts, and every of them, over and above the Power they have in their County, be impowered, and they, and every of them, are hereby impowered to summon Grand Jurors, Jurors, and Evidences in all and every Part of the City of *Williamsburgh*, and half a Mile Compass from the same, and to make Return thereof to the General Court, which Return so made, shall be, and be adjudged sufficient for the General Court to ground their Judgment upon, to fine, as the Law directs, the Delinquent, in not appearing according to the said Summons.

An Act for Dividing King and Queen County. Nº 4. Private.

An Act Continuing the Acts laying Impositions on Liquors, Servants, and Slaves, until the Twenty fifth of December, 1703. Nº 5. Expired.

An Act giving further Directions in Building the Capitol, and for Building a Publick Prison. Nº 6. Obsolete.

An Ordinance of Assembly prohibiting the Ordinary-keepers to entertain the Workmen employed in Building the Capitol. Nº 7. Expired.

An Ordinance of Assembly for settling the Bounds of the Isle of Wight, Surry, *and* Charles-City *Counties, on the South-side* Black-water *Swamp.* Nº 8. Private.

At a GENERAL ASSEMBLY begun at his Majesty's Royal College of *William* and *Mary*, adjoyning to the City of *Williamsburgh*, the 5th Day of *December*, in the 12th Year of the Reign of our Sovereign Lord *William* III. of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Domini*, 1700. And thence Continued by several Prorogations to the 30th Day of *May*, 1702.

An Act for the Continuing, Meeting, and Sitting of General Assemblies, in case of the Death or Demise of his Majesty, his Heirs and Successors. No 1.

A.D. 1702.

WHereas, by reason of the great Distance of this Colony and Dominion of *Virginia* from our Mother Kingdom of *England*, there may happen to be a considerable Space of Time between the Death or Demise of the King or Queen for the time being, and the Proclamation of his or her Successor in this Colony and Dominion: For preventing the many Mischiefs, Inconveniencies, and unnecessary Charges, which may happen, or be occasioned, by reason of such Interval, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and by the Authority thereof; and it is hereby Enacted, That this present General Assembly, or any other General Assembly, which shall hereafter be summoned and called, under the Authority of his Majesty King *William* III. his Heirs and Successors, by the Governor, Lieutenant Governor, or Commander in chief, by and with the Advice and Consent of the Council of State of this his Majesty's Colony and Dominion, or by the President and Council for the time being, shall not determine or be dissolved by the Death or Demise of his said Majesty, his Heirs or Successors, but that such Assembly shall, and is hereby Enacted, by the Authority aforesaid, to continue, and be impowered to meet, convene, and sit, according to the Writs or Summons, whereby the said Assemblies were or shall be convened, and to act, notwithstanding such Death or Demise, for and during the Time of Six Months, and no longer, unless the same shall, by such Governor, Lieutenant Governor, Commander in chief, President and Council, be sooner Prorogued or Dissolved: And if the said General Assembly shall be so Prorogued, then it shall meet and sit on and upon the Day unto which it shall be Prorogued, and continue for the Residue of the said Time of Six Months, unless sooner Prorogued or Dissolved, as aforesaid.

AND

A.D. 1702. AND be it alſo Enacted by the Authority aforeſaid, That all Acts, Deeds, and Sentences of the Governor, Lieutenant Governor, Commander in chief, or Preſident and Council in this Colony and Dominion for the time being, which he or they might lawfully do, ſign, or paſs, during the Life of the King or Queen for the time being, ſhall be valid to all Intents and Purpoſes in Law, although the ſame happen to be acted, done, or ſigned after the Death of the ſaid King or Queen, and before the ſaid Death is by Proclamation publickly notified in this Country; as alſo all Acts of the Council, Judgments of all Courts, Acts of Juſtices of the Peace, and all other Officers, Civil and Military, within this Colony and Dominion, which they might lawfully do or paſs during the Life of the King or Queen for the time being, be valid to all Intents and Purpoſes in Law, although the ſame happen to be acted after the Death of the ſaid King or Queen, and before the Notification thereof by the Government in this Colony and Dominion. And that all Treaſons, Rebellions, and all other Crimes whatſoever, committed, or which ſhall be committed, during the ſame Time, ſhall be puniſhable to all Intents, as if the King or Queen had been actually alive at the Time of the Committing thereof.

PROVIDED always, and it is hereby Declared, That nothing in this Act contained, ſhall extend, or be conſtrued to extend, to alter or abridge the Power of the Governor, Lieutenant Governor, or Commander in chief, or Preſident and Council of this Colony and Dominion for the time being here, to Prorogue or Diſſolve this or any other General Aſſembly in this Dominion within the ſaid Six Months, or at any other Time; nor to limit the Governor, Lieutenant Governor, Commander in chief, or Preſident and Council for the time being, in the Execution of any Inſtructions he or they ſhall receive from the ſucceeding King or Queen of *England*, relating to the Prorogation or Diſſolution of Aſſemblies.

Nº 2. *An Act to prevent Maſters of Ships or Veſſels running away after Imbargoes laid.*

FOraſmuch as it is often found, that ſeveral Maſters of Ships and Veſſels in this Colony and Dominion of *Virginia*, do, after Imbargoes are laid, and in Contempt thereof, run away out of this Country, to the great Danger of the Ships and Veſſels lying here, in caſe ſuch Ship or Veſſel, ſo running away, ſhould happen to be taken by an Enemy, whereby the State and Condition of this Country may be diſcovered: For the Prevention of ſuch dangerous Practices for the future, Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That all Maſters of Ships and Veſſels, when they make their Entry, ſhall give Bond to the Naval Officer, with whom they enter, for the Uſe of his Majeſty, his Heirs and Succeſſors, *viz.* That all Maſters of Ships and Veſſels under One hundred Tuns, ſhall give Bond for One hundred Pounds Sterling; all Maſters of Ships and Veſſels of One hundred Tuns, and not Two hundred Tuns, ſhall give Bond for Two hundred Pounds Sterling; and all Maſters of Ships and Veſſels of Two hundred Tuns and upwards, ſhall give Bond for Five hundred Pounds Sterling, not to depart this Colony, when any Imbargo is laid, during the Continuance of ſuch Imbargo; and alſo to obſerve and follow ſuch Rules and Directions, as ſhall be thought neceſſary to be given by the Government for the making up of Fleets.

AND

And whereas several Ships and Vessels already entred, and now under Imbargo, have not given Bond, according to the Intent of this Act, Be it further Enacted by the Authority aforesaid, That the Masters of all such Ships and Vessels shall give Bond, at his or their Clearing, to the Naval Officer of the District where such Ships or Vessels lie, to perform the Conditions by this Act enjoyned. A.D. 1702.

Provided always, and it is the true Intent and Meaning of this Act, when any Imbargoes are laid on Ships and Vessels within this Dominion, That the Collectors or Naval Officers, upon the Receipt of the Order for such Imbargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts of the said Imbargo, and the Time of the Continuance thereof; and that no Bond whatsoever, required and given by Virtue of this Act, shall be adjudged, deemed, or taken to be forfeited, unless Notice hath been given, as aforesaid, and Breach be made of the Condition of the said Bond after such Notice; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

An Ordinance of Assembly for settling the Dividing Lines between the Counties of the Isle of Wight, Surry, Charles-City, *and* Nanzemond, *on the South-side of* Black-water *Swamp.*

No 3. Private.

At a GENERAL ASSEMBLY begun at her Majesty's Royal College of *William* and *Mary*, adjoyning to the City of *Williamsburgh*, the 5th Day of *December*, in the 12th Year of the Reign of his late Majesty King *William* III. of Blessed Memory; and thence Continued by several Prorogations to the 14th Day of *August*, 1702, in the 1st Year of the Reign of our Sovereign Lady *Anne*, by the Grace of God, Queen of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c.

An Act for the Regulation and Settlement of Ferries, and for Dispatch of Publick Expresses, and for the speedy Transporting of Forces over Rivers and Creeks in time of Danger. No 1. Expired.

An Act for Dividing Charles-City *County.* No 2. Private.

An Act prohibiting Seamen being harboured or entertained on Shore. No 3. Expired.

An Ordinance for Defence of the Country in Time of Danger. No 4.

THIS Assembly taking into Consideration the most agreeable Posture of Defence for this her Majesty's Colony and Dominion the present Circumstances will admit of, have thought fit to continue in Force a Provision formerly made for the Defence and Security of it in Times of Danger; And therefore be it Ordained by this present General Assembly, and the Authority thereof, and it is hereby Ordained, That his Excellency the Governor, or the Governor or Commander in chief of this her *A.D.* 1702.

A.D. 1702. her Majesty's Colony and Dominion for the time being, have full Power and Authority till the next Session of Assembly, by and with the Advice of her Majesty's Honourable Council, on any Accident, as an Alarm, Surprize, Insurrection, or Invasion, to levy suitable and competent Forces; to be paid by the Publick; and to disband the same again, as the Cause of Danger ceases, for which they were raised.

No 5. Expired.

An Act for Raising a Publick Levy.

At

At a General Assembly begun at her Majesty Queen *Anne*'s Royal Capitol the 23d Day of *October*, in the 4th Year of the Reign of our Sovereign Lady *Anne*, Queen of *England*, &c. *Annoq; Domini*, 1705.

An Act for laying an Imposition upon Liquors and Slaves. No 1. Expired.

An Act for Regulating the Elections of Burgesses, for settling their Privileges, and for ascertaining their Allowances. No 2.

BE it Enacted and Declared by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted and Declared by the Authority of the same, That the Freeholders of every County, that now is, or hereafter shall be in this Dominion, now have, and for ever hereafter shall have the Privilege and Liberty of electing and chusing Two of the most fit and able Men of their County respectively, to be present, and to act and vote in all General Assemblies, which, from time to time, and at any time hereafter, shall be held within this Dominion; and also, that the Freeholders of *James-City* shall have the Liberty of electing and chusing One Burgess, to be present, act, and vote in the General Assembly, as aforesaid.

And for the more regular and legal Electing of the said Burgesses in all time coming, Be it Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed, to wit, That the Writs for Electing the said Burgesses shall be signed by the Governor or Commander in chief of this Dominion for the time being, and have the Seal of the Colony affixed to them, and shall be delivered to the Secretary at least Forty Days before the Day appointed for the General Assembly to begin, to be by him transmitted to the Sheriffs of the respective Counties; that the Secretary shall cause the said Writs to be safely conveyed and delivered to the several Sheriffs of every respective County, within Ten Days after the Date of such Writs. That every Sheriff, in Three Days after he receives any such Writ, shall cause One fair Copy

A.D. 1702. And be it alſo Enacted by the Authority aforeſaid, That all Acts, Deeds, and Sentences of the Governor, Lieutenant Governor, Commander in chief, or Preſident and Council in this Colony and Dominion for the time being, which he or they might lawfully do, ſign, or paſs, during the Life of the King or Queen for the time being, ſhall be valid to all Intents and Purpoſes in Law, although the ſame happen to be acted, done, or ſigned after the Death of the ſaid King or Queen, and before the ſaid Death is by Proclamation publickly notified in this Country; as alſo all Acts of the Council, Judgments of all Courts, Acts of Juſtices of the Peace, and all other Officers, Civil and Military, within this Colony and Dominion, which they might lawfully do or paſs during the Life of the King or Queen for the time being, be valid to all Intents and Purpoſes in Law, although the ſame happen to be acted after the Death of the ſaid King or Queen, and before the Notification thereof by the Government in this Colony and Dominion. And that all Treaſons, Rebellions, and all other Crimes whatſoever, committed, or which ſhall be committed, during the ſame Time, ſhall be puniſhable to all Intents, as if the King or Queen had been actually alive at the Time of the Committing thereof.

Provided always, and it is hereby Declared, That nothing in this Act contained, ſhall extend, or be conſtrued to extend, to alter or abridge the Power of the Governor, Lieutenant Governor, or Commander in chief, or Preſident and Council of this Colony and Dominion for the time being here, to Prorogue or Diſſolve this or any other General Aſſembly in this Dominion within the ſaid Six Months, or at any other Time; nor to limit the Governor, Lieutenant Governor, Commander in chief, or Preſident and Council for the time being, in the Execution of any Inſtructions he or they ſhall receive from the ſucceeding King or Queen of *England*, relating to the Prorogation or Diſſolution of Aſſemblies.

N° 2. *An Act to prevent Maſters of Ships or Veſſels running away after Imbargoes laid.*

Foraſmuch as it is often found, that ſeveral Maſters of Ships and Veſſels in this Colony and Dominion of *Virginia*, do, after Imbargoes are laid, and in Contempt thereof, run away out of this Country, to the great Danger of the Ships and Veſſels lying here, in caſe ſuch Ship or Veſſel, ſo running away, ſhould happen to be taken by an Enemy, whereby the State and Condition of this Country may be diſcovered: For the Prevention of ſuch dangerous Practices for the future, Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and the Authority thereof; and it is hereby Enacted, That all Maſters of Ships and Veſſels, when they make their Entry, ſhall give Bond to the Naval Officer, with whom they enter, for the Uſe of his Majeſty, his Heirs and Succeſſors, *viz.* That all Maſters of Ships and Veſſels under One hundred Tuns, ſhall give Bond for One hundred Pounds Sterling; all Maſters of Ships and Veſſels of One hundred Tuns, and not Two hundred Tuns, ſhall give Bond for Two hundred Pounds Sterling; and all Maſters of Ships and Veſſels of Two hundred Tuns and upwards, ſhall give Bond for Five hundred Pounds Sterling, not to depart this Colony, when any Imbargo is laid, during the Continuance of ſuch Imbargo; and alſo to obſerve and follow ſuch Rules and Directions, as ſhall be thought neceſſary to be given by the Government for the making up of Fleets.

And

AND whereas several Ships and Vessels already entred, and now under Imbargo, have not given Bond, according to the Intent of this Act, Be it further Enacted by the Authority aforesaid, That the Masters of all such Ships and Vessels shall give Bond, at his or their Clearing, to the Naval Officer of the District where such Ships or Vessels lie, to perform the Conditions by this Act enjoyned. *A.D.* 1702.

PROVIDED always, and it is the true Intent and Meaning of this Act, when any Imbargoes are laid on Ships and Vessels within this Dominion, That the Collectors or Naval Officers, upon the Receipt of the Order for such Imbargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts of the said Imbargo, and the Time of the Continuance thereof; and that no Bond whatsoever, required and given by Virtue of this Act, shall be adjudged, deemed, or taken to be forfeited, unless Notice hath been given, as aforesaid, and Breach be made of the Condition of the said Bond after such Notice; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

An Ordinance of Assembly for settling the Dividing Lines between the Counties of the Isle of Wight, Surry, Charles-City, *and* Nanzemond, *on the South-side of* Black-water *Swamp.*

No 3.
Private.

At a General Assembly begun at her Majesty's Royal College of *William* and *Mary*, adjoyning to the City of *Williamsburgh*, the 5th Day of *December*, in the 12th Year of the Reign of his late Majesty King *William* III. of Blessed Memory; and thence Continued by several Prorogations to the 14th Day of *August*, 1702, in the 1st Year of the Reign of our Sovereign Lady *Anne*, by the Grace of God, Queen of *England, Scotland, France*, and *Ireland*, Defender of the Faith, &c.

An Act for the Regulation and Settlement of Ferries, and for Dispatch of Publick Expresses, and for the speedy Transporting of Forces over Rivers and Creeks in time of Danger. No 1. Expired.

An Act for Dividing Charles-City *County.* No 2. Private.

An Act prohibiting Seamen being harboured or entertained on Shore. No 3. Expired.

An Ordinance for Defence of the Country in Time of Danger. No 4.

THIS Assembly taking into Consideration the most agreeable Posture of Defence for this her Majesty's Colony and Dominion the present Circumstances will admit of, have thought fit to continue in Force a Provision formerly made for the Defence and Security of it in Times of Danger; And therefore be it Ordained by this present General Assembly, and the Authority thereof, and it is hereby Ordained, That his Excellency the Governor, or the Governor or Commander in chief of this her *A.D.* 1702.

A.D. 1702. her Majesty's Colony and Dominion for the time being, have full Power and Authority till the next Session of Assembly, by and with the Advice of her Majesty's Honourable Council, on any Accident, as an Alarm, Surprize, Insurrection, or Invasion, to levy suitable and competent Forces; to be paid by the Publick; and to disband the same again, as the Cause of Danger ceases, for which they were raised.

No 5. Expired.

An Act for Raising a Publick Levy.

At

At a GENERAL ASSEMBLY begun at her Majesty Queen *Anne's* Royal Capitol the 23d Day of *October*, in the 4th Year of the Reign of our Sovereign Lady *Anne*, Queen of *England*, &c. *Annoq; Domini*, 1705.

An Act for laying an Imposition upon Liquors and Slaves. No 1. Expired.

An Act for Regulating the Elections of Burgesses, for settling their Privileges, and for ascertaining their Allowances. No 2.

BE it Enacted and Declared by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted and Declared by the Authority of the same, That the Freeholders of every County, that now is, or hereafter shall be in this Dominion, now have, and for ever hereafter shall have the Privilege and Liberty of electing and chusing Two of the most fit and able Men of their County respectively, to be present, and to act and vote in all General Assemblies, which, from time to time, and at any time hereafter, shall be held within this Dominion; and also, that the Freeholders of *James-City* shall have the Liberty of electing and chusing One Burgess, to be present, act, and vote in the General Assembly, as aforesaid.

AND for the more regular and legal Electing of the said Burgesses in all time coming, Be it Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed, to wit, That the Writs for Electing the said Burgesses shall be signed by the Governor or Commander in chief of this Dominion for the time being, and have the Seal of the Colony affixed to them, and shall be delivered to the Secretary at least Forty Days before the Day appointed for the General Assembly to begin, to be by him transmitted to the Sheriffs of the respective Counties; that the Secretary shall cause the said Writs to be safely conveyed and delivered to the several Sheriffs of every respective County, within Ten Days after the Date of such Writs. That every Sheriff, in Three Days after he receives any such Writ, shall cause One fair Copy

 thereof

A. D. 1705. thereof to be delivered to every Minister and Reader of the several Parishes within his County; upon every One of which said Copies shall be endorsed, by the Sheriff, the Time and Place by him appointed for the Election of Burgesses, which shall always be made at the Place where the County Court is accustomed to be held, at least Twenty Days after the Sheriff shall have received the Writ; that after the Receipt of such Copy and Endorsement, the Minister or Reader, as aforesaid, shall publish the same, after Divine Service, in the Church or Chapel where they, or either of them, officiate, upon every *Sunday* that shall be between the Receipt of such Copy and the Day appointed for the Election of Burgesses; and after such Publication, the Minister or Reader shall return the said Copy to the Sheriff, with a Certificate of the Publication thereof, and of the Time and Place of the Election. And if at any Time hereafter the Secretary of this Dominion for the time being shall fail to cause the Writs for electing of Burgesses to be safely conveyed and delivered to the several Sheriffs, as aforesaid, he shall forfeit and pay the Sum of Forty Pounds, current Money; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons, as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Essoign, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed. And if at any Time hereafter, the Sheriff of any County within this Dominion shall fail to cause to be delivered One fair Copy of any Writ for Election of Burgesses, with an Endorsement thereupon, as aforesaid, unto every Minister and Reader, as aforesaid, within his County respectively, in such Time as is before directed, such Sheriff shall forfeit and pay the Sum of Two thousand Pounds of Tobacco; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons, as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Essoign, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed. And if any Minister or Reader, who shall hereafter receive from the Sheriff of his County the Copy of a Writ for Election of Burgesses in the said County, shall, after Receipt thereof, fail to make Publication and Return, according to the Directions of this Act, such Minister or Reader shall forfeit and pay the Sum of One thousand Pounds of Tobacco; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons, as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Essoign, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed.

AND be it further Enacted, That, after Publication of the Writs, and Time and Place for Election of Burgesses, as aforesaid, every Freeholder, actually resident within the County where the Election is to be made respectively, shall appear accordingly, and give his Vote at such Election, upon Penalty of forfeiting Two hundred Pounds of Tobacco to such Person or Persons, as will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Essoign, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed.

PROVIDED always, That no Freeholder, being a Feme-Sole, Feme-Covert, Infant under Age, or Recusant Convict, shall be obliged to appear and give his or her Vote in any of the said Elections; neither, if they do appear, shall they have Liberty to vote, but shall be excluded therefrom, as though they were not Freeholders. And if any Person shall presume to give his Vote for Election of any Burgess or Burgesses, not being a Freeholder in the County or Town respectively where he shall give his Vote, such Person shall forfeit and pay Five hundred Pounds of Tobacco; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Essoign, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed. And if upon any Suit brought the Question shall arise, whether any Person be a Freeholder or not, in such case the *Onus probandi* shall lie upon the Defendant. And if the Election of any Burgess or Burgesses cannot be determined, upon the View, by Consent of the Freeholders, the Sheriff, or, in his Absence, the Under-Sheriff, shall proceed to take the Poll in Manner following, to wit; He shall appoint such and so many Person or Persons, as to him shall seem fit, to take in Writing the Name of every Freeholder, who gives his Vote, and the Person or Persons he votes for; which Person or Persons so appointed, shall first take an Oath for his true and impartial taking the Poll; which Oath the Sheriff, or, in his Absence, the Under-Sheriff, is hereby impowered and required to administer; and then (the Sheriff or Under-Sheriff, as aforesaid, having provided One or more Book or Books for that Purpose, as Occasion shall require) in the Court-house of the County, in Presence of the several Candidates nominated, if they will be present, or such other Persons, as (if they think fit) they may appoint to see the Poll fairly taken, the Person or Persons, so appointed and sworn, as aforesaid, shall take the Poll, as followeth, to wit; First he or they shall write down the Names of all the Candidates, every One in a several Page of the Book, or in a particular Column; and then the Name of every Freeholder, coming to give his Vote, shall be fairly written in the several Pages or Columns respectively, under the Name or Names of such Person or Persons, as he shall vote for: Provided, that no Freeholder, who at such Election shall have given his Vote for Two Persons, shall be permitted to vote or poll for any more. And when every Freeholder present shall have given his Vote in Manner, as aforesaid, (or upon Proclamation Three times made at the Court-house Door, if no more Freeholders will give their Votes) the Sheriff or Under-Sheriff, as aforesaid, shall conclude the Poll; and afterwards, upon Examination thereof, whatever Person or Persons of the Candidates shall appear to have the most Votes, the Sheriff or Under-Sheriff, as aforesaid, shall return him or them Burgess or Burgesses; and if Two or more Candidates shall have an equal Number of Votes, the Sheriff or Under-Sheriff, as aforesaid, being a Freeholder, shall and may return which of them he thinks fit: And every Freeholder, before he is admitted to poll at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the following Oath; which Oath the Sheriff or Under-Sheriff, as aforesaid, is hereby impowered and required to administer, to wit;

A. D. 1705.

YOU shall Swear, That you are a Freeholder of the County of —— *and that you have not been before polled at this Election.*

And

A.D. 1705. And in case any Freeholder, or other Person taking the said Oath, shall thereby commit wilful and corrupt Perjury, and be thereof convicted; or if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath, in order to be polled, whereby he shall commit such wilful and corrupt Perjury, and shall be thereof convicted, he and they, for every such Offence, shall forfeit and pay the Sum of Ten Pounds, current Money; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Protection, or Wager of Law, shall be allowed.

And for Prevention of Disputes, which may hereafter arise in Elections of Burgesses, who shall be accounted and pass for Freeholders, Be it Enacted by the Authority aforesaid; and it is hereby Enacted and Declared, That every Person, who hath an Estate Real for his own Life, or the Life of another, or an Estate of any greater Dignity, shall be accounted a Freeholder within the Meaning of this Act. And, after the Election shall be made in Manner as herein is before directed, the Sheriff or Under-Sheriff, as aforesaid, shall make Return thereof in Manner following, to wit, upon the Writ shall be indorsed thus;

The Execution of this Writ appears in a certain Schedule hereto annexed.

And in the Schedule to the Writ annexed, the Execution thereof shall be certified, as followeth, *mutatis mutandis*, viz.

BY Virtue of this Writ to me directed, in my full County, held at the Court-house for my said County upon the —— Day of —— in the —— Year of the Reign of —— by the Grace of God, of England, Scotland, France, *and* Ireland, *Queen, Defender of the Faith, &c. by the Assent of my said County I have caused to be chosen [Two Burgesses] of my said County, to wit,* A. B. *and* C. D. *to act and do, as in the said Writ is directed and required.*

And for the College of *William and Mary*, or for any Town, the Form of the Return shall be thus;

BY Virtue of this Writ to me directed, I did make lawful Publication thereof; and afterwards, to wit, upon the —— Day of —— in the —— Year of the Reign of —— by the Grace of God, of England, Scotland, France, *and* Ireland, *Queen, Defender of the Faith, [at the said Town of ——] or [at the said College] by the Assent of the [Freeholders] or [President and Masters, or Professors] thereof I have caused to be chosen One Burgess for the said [Town] or [College] to wit,* A. B. *of —— to act and do, as in the said Writ is directed and required.*

And if at any time any Candidate, or other Person in his Behalf, shall desire a Copy of the Poll, the Sheriff (or Under-Sheriff, who manages the Election) as soon as may be, shall cause a fair Copy thereof to be made, and shall deliver it, attested with his own Hand, unto such Candidate, or other Person, as shall require the same, as aforesaid. And if, upon the Death or Incapacity of any Member or Members of the House of Burgesses, the Sheriff of any County shall receive a Writ for the Election of One or more Burgess or Burgesses, during the Session of the General Assembly, in such case he is hereby required to appoint such and so many Persons, as to him shall seem fit, to give Notice thereof, and of the Time and Place of Election, unto every particular Free-holder,

holder, residing within the County or Town for which such Election is to be made; which Election shall be made as soon as possible, in Manner as is herein before directed, and the Person or Persons so elected, shall be returned in Form aforesaid. And if the Sheriff of any County, or in his Absence the Under-Sheriff (being thereunto required, before the Return be made, by any Candidate or Freeholder) shall refuse to take the Poll, or shall take it in other Manner than is herein directed, or shall refuse to give a Copy of the Poll, as aforesaid, or shall make any false Return, or double Return, or shall fail to make any Return, or shall make any Return in other Form than is herein before directed, every such Sheriff or Under-Sheriff, as aforesaid, offending herein, or in any one of these Cases respectively, shall forfeit and pay the Sum of Forty Pounds Sterling; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Protection, or Wager of Law, shall be allowed. A.D. 1705.

AND be it further Enacted, That the Sheriff of every County shall return every Writ to him directed for the Election of One or more Burgess or Burgesses, and shall cause the same to be safely delivered to the Clerk of the Secretary's Office for the time being, or to such other Person, as shall attend in the said Office to receive the same, at least the Day before the Day mentioned in any such Writ for the Return thereof; and if any Sheriff shall neglect or fail performing his Duty herein, he shall forfeit and pay the Sum of Two thousand Pounds of Tobacco; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Protection, or Wager of Law, shall be allowed.

AND be it further Enacted by the Authority aforesaid, That no Person or Persons, hereafter to be elected to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, after the *Teste*, or Issuing out, or Ordering of the Writ or Writs of Election, upon the Calling or Summoning of any General Assembly hereafter, or after any Place becomes vacant hereafter, in the Time of this present or any succeeding General Assembly, shall or do, by himself or themselves, or by any other Ways or Means on his or their Behalf, or at his or their Charge, before his or their Election, to serve in the General Assembly for any County, Town, or Corporation within this Dominion, directly or indirectly, give, present, or allow, to any Person or Persons, having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment or Provision, or make any Present, Gift, Reward, or Entertainment, or shall at any time hereafter make any Promise, Agreement, Obligation, or Engagement, to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment, to or for any such Person or Persons in particular, as to any such County, Town, or Corporation in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, County, Town, or Corporation, in order to be elected, or for being elected to serve in the General Assembly for any such County, Town, or Corporation.

AND be it hereby further Enacted and Declared, That every Person or Persons, so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be, and are hereby declared and enacted to be disabled and incapacitated, upon such Election, to serve in the General Assembly

 for

A.D. 1705. for such County, Town, or Corporation, and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken no Members of the General Assembly, and shall not act, sit, or have any Vote or Place in the General Assembly, but shall be, and are hereby declared and enacted to be, to all Intents, Constructions and Purposes, incapacitated, as if they had never been returned or elected Members for the General Assembly.

And be it further Enacted and Declared, That no Person under the Age of One and twenty Years shall be capable of being elected to serve in the General Assembly; neither shall any Person be capable to be elected Burgess for any County, unless at the Time of such Election he shall be a Freeholder in the same County; but every such Election shall be, and is hereby declared to be Illegal and Void.

And be it further Enacted and Declared, That all and every Member and Members of the General Assembly are, and ought to be, and for ever hereafter shall be, in their Persons, Servants, and Estates, both Real and Personal, free, exempted, and privileged from all Arrests, Attachments, Executions, and all other Process whatsoever (save only for Treason, Felony, or Breach of the Peace) during his or their Attendance upon the General Assembly, and by the Space of Ten Days before the Beginning, and Ten Days after the Conclusion of every Session of Assembly; and if any Process shall be depending against any such Member or Members before his or their Election, such Process shall be stay'd, and shall not be proceeded upon against such Member or Members by the Space of Ten Days before and after every Session, as aforesaid, and shall then be again revived, and may be prosecuted, as otherwise it might have been, without any Discontinuance or Abatement thereof, by Reason of such being stay'd, as aforesaid: And if at any time hereafter the General Assembly shall be Prorogued or Adjourned for any longer Time than Twenty Days, in such case it shall be lawful to commence any Process against any Member or Members of the General Assembly: Provided always, That such Process be stay'd, as aforesaid, by the Space of Ten Days before and after every Session or Meeting, by Prorogation or Adjournment, as aforesaid.

And be it further Enacted by the Authority aforesaid, That the Allowance for Burgesses, attending at the General Assembly, shall be as followeth, that is to say, For every Burgess, coming by Land, shall be allowed and paid, by the County for which he serves, One hundred and thirty Pounds of Tobacco, and Cask, a Day, besides the necessary Charge of Ferriage. And for every Burgess, which cannot come to the General Assembly otherwise than by Water, there shall be allowed and paid, as aforesaid, One hundred and twenty Pounds of Tobacco, and Cask a Day. And over and above the said daily Allowances, there shall be paid and allowed, for going and returning to and from the General Assembly, as followeth, to wit; To every Burgess for the Counties of *James-City*, *York*, *Warwick*, *Elizabeth-City*, *New-Kent*, *Gloucester*, *Charles-City*, *Surry*, and Isle of *Wight*, the Allowance of One Day for coming, and One Day for returning. And to every Burgess for the Counties of *Henrico*, *Nansemond*, *Norfolk*, *Princess Anne*, *King William*, *Prince George*, *King and Queen*, *Middlesex*, and *Essex*, the Allowance of Two Days for coming, and Two Days for returning. And to every Burgess for the Counties of *Lancaster* and *Richmond*, the Allowance of Three Days for coming, and Three Days for returning. And to every Burgess for the Counties of *Stafford*, *Northumberland*, *Westmorland*, *Northampton*, and *Accomack*, the Allowance of Four Days for coming, and Four Days for returning. And where the Burgesses come by Water, the Sheriff is hereby required and impowered, by Impressing or otherwise, to provide a Boat and Two Men, to carry the Burgesses of his County respectively to and from the General Assembly; for which Boat-men, and their necessary Provision, shall be allowed and paid, as aforesaid, Thirty six Pounds of Tobacco

bacco for every Day, during the Time they are performing that Service. But forasmuch as the Burgesses for the Counties of *Accomack* and *Northampton* cannot come in a Boat to attend the General Assembly, therefore the Sheriff of each of those Two Counties is hereby required and impowered, by Impressing or otherwise, to provide a Sloop and Two Men, to carry the Burgesses of his County respectively to and from the General Assembly; for which Sloop-men, and their necessary Provisions, shall be allowed and paid, as aforesaid, Sixty Pounds of Tobacco for every Day, during the Time they are performing that Service. A.D. 1705.

AND be it further Enacted by the Authority aforesaid, That, at the Time and Place of Election of Burgesses for any County within this Dominion, the Sheriff, or in his Absence the Under-Sheriff, of such County respectively, at the Door of the Court-house, by Proclamation to be there Three times made between the Hours of One and Three of the Clock in the Afternoon, shall give publick Notice of the Time appointed for a Court to be held, for receiving and certifying to the next Session of the General Assembly the Propositions and Grievances, and the Publick Claims of all and every Person and Persons within his County; which Propositions and Grievances shall be signed by the Person or Persons presenting the same to the Court, and thereupon the Chief Magistrate then present, or the Clerk by Direction of the Court, shall certifie the same to the General Assembly, and shall deliver the same to the Burgesses for the County, to be by them presented accordingly; and in like manner a Court for receiving and certifying Propositions and Grievances, and Publick Claims, as aforesaid, shall be appointed and held in each County respectively, before every Session of the General Assembly, and the Sheriff of the County is hereby required to cause publick Notice to be given of the Time appointed for the holding such Court, at every respective Church and Chapel within his County.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to regulating the Elections of Burgesses, or settling their Privileges, or ascertaining their Allowances, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein. No 3.

FOR the more regular Nomination and Appointment of Sheriffs, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the Court of every County within this Dominion, at some convenient Time between the last Day of *January*, and the last Day of *March*, yearly, shall present to the Governor or Commander in chief of this Dominion for the time being, a List or Recommendation of Three such Persons (being Justices in the same County Court respectively) as they shall think most fit and able to execute the Office of Sheriff of their respective County, for the Year then next ensuing, of which Three Persons so recommended, the said Governor or Commander in chief shall accordingly commissionate such One, as to him shall seem meet, for the executing of the said Office for the Year then next coming.

PROVIDED

A. D. 1705. PROVIDED always, That it ſhall and may be lawful for the Governor or Commander in chief of this Dominion for the time being, to continue any Perſon, as to him ſhall ſeem fit, in the Office of Sheriff of any County by the Space of Two Years next immediately ſucceeding each other; any thing herein contained to the contrary notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, That no Perſon ſhall at any time hereafter be capable to execute or enjoy the Office of Sheriff of any County within this Dominion, unleſs ſuch Perſon, at the Time of his entring into and upon the ſaid Office, ſhall be a Juſtice of the Peace in the ſame County reſpectively; neither ſhall it be lawful for any Perſon to execute or enjoy the ſaid Office for any longer than Two Years next ſucceeding each other.

AND be it further Enacted by the Authority aforeſaid, That when any Perſon ſhall have obtained a Commiſſion for the Office of Sheriff of any County, before he ſhall be admitted to take the Oath of a Sheriff, or ſhall enter upon the Execution of his ſaid Office, he ſhall, at the Court of his County, enter into Bond to our Sovereign Lady the Queen, her Heirs and Succeſſors, with Two good and ſufficient Sureties at the leaſt, in the Sum of One thouſand Pounds Sterling, for his true and faithful Performance of his Office; which Bond the ſaid County Court is hereby impowered and required to take, and cauſe to be acknowledged before them in open Court, and recorded in the Records of their County.

AND be it further Enacted by the Authority aforeſaid, That every Sheriff, by himſelf, or his lawful Officers or Deputies, ſhall execute all ſuch Writs and Precepts, as from time to time ſhall be directed, according to the Command thereof; and alſo ſhall make due Return thereof in Manner following, that is to ſay; All Writs, Returnable in any County Court, ſhall be executed, and Returns thereof made at the leaſt Two Days, excluding *Sunday*, before the Day therein mentioned for the Return. And all Writs, Returnable in the General Court, ſhall be executed as is directed in the Act for eſtabliſhing the General Court, and Return thereof ſhall be made at the leaſt Three Days, excluding *Sunday*, before the Day therein mentioned for the Return; and every Sheriff, failing to make ſufficient Return of all Writs and Precepts to him directed, as aforeſaid, and according to the ſeveral Times herein before limited, ſhall, for every ſuch Offence, forfeit and pay the Sum of One thouſand Pounds of Tobacco; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the Support of the Government of this her Majeſty's Colony and Dominion, and the contingent Charges thereof; and the other Moiety to the Party grieved; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, in which no Eſſoign, Protection, or Wager of Law, ſhall be allowed; and moreover, ſuch Sheriff, ſo failing as aforeſaid, ſhall be liable to an Action at the Common Law, at the Suit of the Party grieved, for any Damage which ſhall be ſuſtained by ſuch Failure: And if any Sheriff, by himſelf, Officer, or Deputy, having executed any Writ or Precept to him directed, ſhall, by himſelf, Officer, or Deputy, make a falſe Return thereof, every ſuch Sheriff ſo offending, ſhall forfeit and pay the Sum of Three thouſand Pounds of Tobacco; to be recovered and divided, as aforeſaid, and alſo ſhall be liable to an Action at the Common Law, at the Suit of the Party grieved, for any Damage which ſhall be ſuſtained by ſuch falſe Return.

PROVIDED always, That it ſhall not be lawful for any Sheriff, or his Officer or Deputy, to execute any Writ or Precept upon the Lord's Day, commonly called *Sunday*, nor upon any Perſon attending or doing his Duty at any Muſter of the Militia, or at any Election of Burgeſſes; and the Execution of any Writ or Precept, contrary to the true Meaning hereof, is hereby declared to be Null and Void; any thing herein contained, or any Law, Cuſtom or Uſage to the contrary notwithſtanding.

PROVIDED

PROVIDED nevertheless, That it shall and may be lawful for the Sheriff, his Officer and Deputy, at any Time and Place whatsoever, to arrest and apprehend any Person for Treason or Felony, or Suspicion of Felony, or being accessary thereto, or for any Riot or Breach of the Peace, or upon any Escape out of Prison; any thing herein contained to the contrary thereof notwithstanding. *A. D. 1705.*

AND be it further Enacted by the Authority aforesaid, That no Sheriff, or any of his Officers or Deputies, shall take, or cause to be taken or made, any Obligation for any Cause whatsoever, by Colour of their Office, but only to themselves, of any Person; nor by any Person which shall be in their Ward, by the Course of the Law, but by the Name of their Office, and upon Condition written, that the Prisoner or Prisoners shall appear at the Day contained in the Writ, Bill, or Warrant, and in such Places, as the said Writs, Bills, or Warrants shall require; and if any Sheriff, or other Officer, take an Obligation in other Form, by Colour of their Offices, it shall be void.

PROVIDED always, That it shall and may be lawful to and for any Sheriff, or other Officer, to take such other Obligation of any Person or Persons in their Ward, as is or shall be particularly and expresly directed by any other Act, upon any Special Case therein mentioned; any thing herein contained to the contrary notwithstanding.

AND be it further Enacted, That if any Writ or Precept, in any Civil Action, shall be delivered to any Sheriff, or other Officer, to attach the Body of any Person, which is not to be found within the County, where such Sheriff, or other Officer resides, in such case Return of the same Writ or Precept within the Time herein before limited, shall be made according to the Truth of the Case; and if the Person, against whom such Writ or Precept issued, shall not appear, being thereto lawfully called by Proclamation in open Court, at the Return thereof an Attachment shall be awarded against his Estate, returnable to the next Court, at which Time, if the Defendant shall fail to appear, the Estate so attached, or so much thereof as shall be sufficient to pay what shall appear to be due to the Plaintiff, with the Costs of Suit, shall, by Rule of Court, be ordered to be appraised, and delivered to the Plaintiff, for his Satisfaction therein; but if, at the Return of the Attachment, as aforesaid, the Defendant shall appear, then the Attachment shall cease and become void, and the Trial shall proceed, as in other like Cases, if the Defendant had appeared at the Return of the first Writ or Precept.

PROVIDED always, That no Sheriff, or other Officer, shall make Return upon any Writ or Precept, that the Person, against whom the same issued, is not to be found, until he shall actually have been at the Dwelling-house or Place of Residence of such Person, and not finding him, shall have there left an attested Copy of the same Writ or Precept.

PROVIDED also, That if any Writ or Precept shall be delivered to any Sheriff, or other Officer, to attach the Body of any Person, being a known Inhabitant of another County, and not of the County where the said Sheriff or Officer resides, in such case the Sheriff or Officer shall make Return according to the Truth of the Case, and not that the Person is not to be found in his County, and thereupon the Process shall abate and be dismissed.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to prescribing the Method of appointing Sheriffs, or limiting the Time of their Continuance in Office, or directing them in the Execution thereof, in or concerning any Matters or Things within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

A.D. 1705.

No 4. Repeal'd, 1715.

An Act declaring who shall not bear Office in this Country.

No 5.

An Act against Importing Tobacco from Carolina, *and other Parts without the Capes of* Virginia.

FOR Prevention of such Inconveniencies and Disadvantage, as reasonably may be expected in a short Time to fall upon the Inhabitants of this Colony and Dominion, in the Sale or Shipping of their Tobacco, in case like Provision be not now made, as hath been heretofore, against Importing or bringing Tobacco hither from Parts without the Capes; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That such Importation from henceforth be, and by Virtue of this Act remain prohibited and forbidden; and that if any Tobacco hereafter in any wise whatsoever shall be imported or brought from *Carolina*, or other Parts without the Capes, into this Colony and Dominion, in order to be here laid on Shore, sold, or shipped, the same shall be thereby forfeited and lost; one Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him, her, or them that shall inform or sue for the same in any Court of Record within this her Majesty's Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, shall be allowed.

PROVIDED always, That nothing aforesaid shall be construed to hinder the Inhabitants of this Colony and Dominion, Merchants, or others, to bring their Tobacco round the Capes, for the Purposes aforesaid, if it be of the Growth of this Colony, but that such Importation shall be lawful, and shall be so accounted, deemed and taken; any thing in this Act before contained to the contrary notwithstanding.

PROVIDED nevertheless, and it is Enacted by the Authority aforesaid, That no such Tobacco shall be loaden or put on board any Boat, Sloop, or other Vessel, in order to be brought round the Capes, as aforesaid, before the Owner thereof (by his own Oath at least) make it appear to the Collector of the Two Shilling *per* Hogshead for the District where such Tobacco is to be taken in, that the said Tobacco is all of the Growth of this Colony, and obtain his Certificate or Permit concerning the same; and that if any Tobacco, though of the Growth of this Colony, be brought round the Capes without such Certificate or Permit, the said Tobacco shall be thereby forfeited and lost, and shall also be divided as other Tobacco imported or brought into this Colony from Parts without the Capes; any thing in the aforesaid Proviso of this Act to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Importing Tobacco from *Carolina*, and other Parts without the Capes of *Virginia*, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An

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A.D. 1705.

№ 6.

An Act for ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch.

FOR Prevention of Frauds and Abuses frequently practised by greedy and avaritious Traders in Pork, Beef, Tar, and Pitch, who, for their own private Lucre and Gain, not only make and set up, or cause to be made and set up, small Barrels, but also slightly pack, and deceitfully fill the same, to the great Prejudice of the Trade of this her Majesty's Colony and Dominion in the said Commodities and Merchandize; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the Twenty ninth Day of *September* next, all and every Barrel or Barrels, which shall be made and set up to put Pork, Beef, Tar, or Pitch into; and also all and every Barrel or Barrels, wherein Pork or Beef shall be packed, or wherein Tar or Pitch shall be filled, either for Exportation out of, or for Sale within this her Majesty's Colony and Dominion, shall be of a Size, Gauge, and Dimension large enough to hold and contain at least the Quantity of Thirty one Gallons and an half, *Winchester* Measure; and that the Contents of every Pork Barrel, at Exportation or Sale, shall be at least Two hundred and twenty Pounds of Net Pork, and of every Beef Barrel the like Quantity of Net Beef; and that every Tar Barrel shall be filled with clean Tar, and every Pitch Barrel with true made Pitch, without the least Mixture of any sort of Trash whatsoever.

AND to the End all and every Barrel or Barrels, to be thereafter made use of for any the Purposes aforesaid, may, from time to time, be set up, packed, and filled, according to the Directions of this Act; Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That whatsoever Person or Persons, professing or using the Craft, Mystery, or Occupation of a Cooper, or whatsoever other Person or Persons, which, without pretending to the Profession of a Cooper, make and set up Cask for his or their own proper Use only, shall, after the said Nine and twentieth Day of *September*, make or set up any Barrel or Barrels for Pork, Beef, Tar, or Pitch, of a less Size, Gauge, and Dimension than is directed by this Act, all and every such Person or Persons shall, for every Barrel so made and set up, forfeit and pay the Sum of Five Pounds, current Money.

AND be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall pack Pork or Beef for Sale in any Barrel or Barrels made and set up contrary to this Act, in Size, Gauge, and Dimension, or shall, in any Barrel or Barrels, pack less Pork or Beef than this Act requires, that is to say, sufficient to make each Barrel hold out, at Exportation or Sale, the Quantity directed by this Act to be the Quantity and Contents of a Barrel of Pork, or a Barrel of Beef, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of Five Pounds, current Money.

AND be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall put or fill Tar or Pitch for Sale in any Barrel or Barrels made and set up contrary to this Act, in Size, Gauge, and Dimension, or shall fill up or mingle any Barrel or Barrels of Tar with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch with any Trash, or Mixture of any other Matter or Thing than true made Pitch, all and every such Person or Persons shall forfeit and lose all and every such Barrel or Barrels of Tar or Pitch, and besides that, Ten Shillings for every such Barrel of Tar, and Twenty Shillings for every such Barrel of Pitch.

AND

A.D. 1705. And be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall export out of this her Majesty's Colony and Dominion to any other Port or Place, or put on Board any Ship Bark, Sloop, or other Vessel, in in order to be exported, as aforesaid, Pork or Beef in any Barrel or Barrels, made and set up contrary to this Act, in Size, Gauge, and Dimension, or shall export or put on Board any Ship, Bark, Sloop, or other Vessel, in order to be exported, as aforesaid, any Barrel or Barrels of Pork of less Net Contents in Pork, or any Barrel or Barrels of Beef of less Net Contents in Beef, than this Act directs, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of Five Pounds, current Money.

And be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall export out of this her Majesty's Colony and Dominion, unto any other Port or Place, or put on board any Ship, Bark, Sloop, or other Vessel, in order to be exported, as aforesaid, any Tar or Pitch in any Barrel or Barrels made and set up contrary to this Act, in Size, Gauge, and Dimension, or shall export or put on Board any Ship, Bark, Sloop, or other Vessel, in order to be exported, as aforesaid, any Barrel or Barrels of Tar filled up or mingled with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch, filled up or mingled with any Trash, or Mixture of any other Matter or Thing than true made Pitch; all and every such Person or Persons shall forfeit and lose all and every such Barrel or Barrels of Tar or Pitch, and besides that Ten Shillings for every such Barrel of Tar, and Twenty Shillings for every such Barrel of Pitch.

And be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall barter away, bargain for, or sell, or expose or offer to Sale, in any way whatsoever, to any Person or Persons whatsoever, within this her Majesty's Colony and Dominion, any Pork or Beef in any Barrel or Barrels, made and set up contrary to this Act, in Size, Gauge, and Dimension, or shall barter away, bargain, or sell, or expose or offer to Sale, in any way whatsoever, as aforesaid, any Barrel or Barrels of Pork of less Net Contents in Pork, or any Barrel or Barrels of Beef of less Net Contents in Beef, than this Act directs, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of Five Pounds, current Money.

And be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall barter away, bargain, or sell, or expose or offer to Sale, in any way whatsoever, to any Person or Persons whatsoever, within this her Majesty's Colony and Dominion, any Tar or Pitch in any Barrel or Barrels, made and set up contrary to this Act, in Size, Gauge, or Dimension, or shall barter away, bargain, or sell, or expose or offer to Sale, in any way whatsoever, as aforesaid, any Barrel or Barrels of Tar, filled up or mingled with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch, filled up or mingled with any Trash, or Mixture of any other Matter or Thing than true made Pitch, all and every such Person or Persons shall forfeit and lose all and every such Barrel or Barrels of Tar or Pitch, and and besides that, Ten Shillings for every such Barrel of Tar, and Twenty Shillings for every such Barrel of Pitch.

And forasmuch as Pork, Beef, Tar, and Pitch, are often in Barrels imported and brought hither from *Carolina*, and other Ports and Places, to be sold; for Prevention of Frauds and Abuses therein, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That whatsoever Person or Persons, from and after the said Nine and twentieth Day of *September*, shall import or bring into this her Majesty's Colony and Dominion from *Carolina*, or

any

any other Port or Place whatsoever, by Land or Water, any Pork, Beef, Tar, or Pitch, in Barrel or Barrels of less Size, Gauge, and Dimension, than this Act directs, or any Barrel or Barrels of Pork, of less Net Contents in Pork, or any Barrel or Barrels of Beef, of less Net Contents in Beef, than this Act directs, or any Barrel or Barrels of Tar, filled up or mingled with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch, filled up or mingled with any Trash, or Mixture of any other Matter or Thing than true made Pitch, and shall here barter away, bargain, or sell, or expose or offer to Sale, in any way whatsoever, to any Person or Persons whatsoever, such Barrel or Barrels of Pork, Beef, Tar, or Pitch, or any of them, all and every such Person or Persons shall be liable to, and pay the Forfeitures and Penalties mentioned in this Act for every Barrel bartered away, bargained, or sold, or exposed or offered to Sale, contrary to this Act; all which Forfeitures and Penalties aforesaid, shall be divided into Two Parts, to wit, one Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him, her, or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony and Dominion, in which no Essoign, Protection, or Wager of Law, shall be allowed. *A. D.* 1705.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch, or to any other Matter or Thing within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act concerning Tythables.

No 7.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all Male Persons, of the Age of Sixteen Years and upwards, and all Negro, Mulatto, and *Indian* Women, of the Age of Sixteen Years and upwards, not being Free, shall be, and are hereby declared to be Tythable, or chargeable for defraying the Publick County and Parish Charges in this her Majesty's Colony and Dominion; Excepting such only as the County Court and Vestry, for Reasons in Charity made appear to them, shall think fit to excuse.

AND to the End that the Age of all Children imported, or that shall be imported, who are or shall be in a Capacity of becoming Tythable, within the Intent and Meaning of this Act, may be ascertained; Be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Owner or Purchaser of every Child, being a Servant, and the Parent or Importer of every Child, being free at the first, second, or third Court, held for the County where such Child shall be after the Arrival of the said Child in this Country, shall bring the said Child before the County Court, to have its Age adjudged by the Court, otherwise the said Child to be accounted, and thereafter immediately become Tythable, as aforesaid, although not of the Age of Sixteen Years; and the Age of such Child being adjudged by the Court, shall be entred upon the Records of the said Court, and be accounted, deemed, and taken for the true Age of the said Child, in order to its becoming Tythable within the Intent and Meaning of this Act.

A.D. 1705.

And for the regular and exact taking Account of the Tythable Persons in this her Majesty's Colony and Dominion, Be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Court of each County divide the same into convenient Precincts, and annually appoint One of the Justices for each of the said Precincts to take a List of the Tythables; every which Justice, in convenient Time, before the Tenth of *June* then next following, shall give Notice of his being appointed thereto, and of the Place he designs to take the same at, by setting up a Note thereof at the Church or Chapel-door of the Precinct he is appointed for, and shall attend the same on the said Tenth Day of *June*, if it happen not to be on a *Sunday*, and then on the next Day following. And also in *August* Court then next following shall deliver the List so by him taken, together with the Subscriptions of the Tythables, to the Clerk of the County Court, who shall the next Court-day set fair Lists thereof up in the Court-house, there to remain, during the sitting of the Court, for the View and Inspection of all that please, and for the Discovery of such as shall be concealed.

And for the greater Certainty therein, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That every Master or Mistress of a Family, or in his or her Absence or Non-residence at the Plantation, his or her Attorney or Overseer, shall, on the said Tenth Day of *June*, by a List under his or her Hand, deliver, or cause to be delivered, to the Justice appointed to take the same, the Names and Number of all the Tythable Persons abiding in, or belonging to his or her Family the Ninth of *June*, or the Master or Owner thereof, shall be adjudged a Concealer, and be liable as a Concealer of such and so many Tythables, as shall not be so listed and given in; and for every Tythable Person, so concealed, or not given in and listed, as afore is directed, shall forfeit and pay One thousand Pounds of Tobacco to the Informer, to be recovered with Costs by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law, shall be allowed. And if any Justice, appointed to take the Lists of Tythables, shall not truly enter and list the Names and Numbers of his own Tythables in that District in the List he gives in, he shall be adjudged a Concealer, and for every Tythable Person so by him concealed, and not listed, shall forfeit and pay One thousand Pounds of Tobacco to the Use aforesaid, to be recovered with Costs, as aforesaid, in Manner and Form aforesaid.

Provided nevertheless, That if it shall happen that any Master or Mistress, or Overseer of a Family, shall, by Sickness, Absence, Ignorance of the Person or Place, or other Accident, omit to carry or send their List of Tythables the said appointed Tenth Day of *June* to the Place and Justice appointed, it shall be lawful for the Person or Persons so failing, to carry or send their Lists to the said Justice's House at any time between the said Tenth Day of *June*, and the last Day of the said Month, and so doing, shall be free and acquit from the Penalty and Prosecution aforesaid; any thing in this Act to the contrary notwithstanding.

Provided also, That nothing herein contained shall be construed to extend to the Governor or Commander in chief of this her Majesty's Colony and Dominion for the time being, and his Family, or to the Person of any beneficed Minister within this Colony, so as to charge them, or either of them, as Tythables within the Meaning of this Act.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Tythables, or any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

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A.D. 1705.

No 8.

An Act concerning Publick Claims.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That a particular Court shall be held in every County within this her Majesty's Colony and Dominion by the Justices of the respective Counties at the Court-house, before every Session of Assembly, for Proof of all such Debts, as are to be paid by the Publick, which shall be none other than what are or shall be so directed by some particular Act of Assembly; and the said Court shall be called a Court for Proof of Publick Claims; and for holding the same, the Sheriff of every County is hereby strictly required and enjoyned to appoint a convenient Day, upon which Day the Justices of the County are hereby impowered and required to meet and sit for the Purposes aforesaid; and the Sheriff and County Court Clerk are hereby also required to attend them.

And be it further Enacted, That if the Sheriff or County Court Clerk shall fail to give their respective Attendance at the Court appointed for Proof of Publick Claims, the Sheriff or Clerk, for such Failure, shall be fined the Sum of One thousand Pounds of Tobacco: And if any Justice of the Peace, for the County where such Court is appointed to be held, shall be absent from the said Court, and a sufficient Number of Justices be not there to make a Court, then every Justice so absent, without reasonable Cause, shall be fined the Sum of Five hundred Pounds of Tobacco; the one Half of which Fines shall be to our Sovereign Lady the Queen, her Heirs and Successors, for the Use of the County, and the other Half to the Informer; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be admitted or allowed.

And to the End it may be ascertained what Proof the said Courts shall take and allow, Be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That every Person, that hath any Publick Claim to make, shall produce to the said Court the Warrant or Certificate upon which the Claim is grounded, shall exhibit a particular Account of the Services or Disbursements claimed for, and shall make Oath, or give some other sufficient Proof before the Court, That all and every the Services, Things, or Disbursements, for and concerning which such Claim is preferred and exhibited, are really and *bona fide* made, done, and performed, and that no Satisfaction hath been received for the same.

And be it further Enacted by the Authority aforesaid, That Proof of Publick Claims being made, as aforesaid, the Clerk of the County Court, in order to their Allowance in the Assembly, shall, by the Burgesses of the County, transmit the said Claims, and every of them, to the Assembly, with the Warrants or Certificates upon which they, and every of them, are grounded, and also indorse upon every particular Person's Claim what Proof is made before the Court concerning the same, or shall thereunto annex a Certificate thereof; all which the said Clerk shall do *Ex officio*, where it so happens, that any particular Persons allowed Claim, shall be under One hundred Pounds of Tobacco, and for every Certificate upon an allowed Claim, amounting to that Sum or more, the said Clerk [in full of all Fees for his Trouble and Certificate] shall be allowed Twenty Pounds of Tobacco by the Country, provided the Claim be admitted in the Assembly, upon Examination there, to be a Charge, which ought to be paid by the Country.

And

A.D. 1705. AND for Prevention of such Frauds, as may be imposed upon the Assembly by Two Certificates for one and the same Thing, and avoiding all Occasion of looking far back to find out what Publick Claims have been once allowed by the Assembly; Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Publick Claim whatsoever shall be hereafter allowed by the Assembly, which is not proved, as aforesaid, and returned to the first or second Session of Assembly next after the same becomes due; and that every Person concerned in such Publick Claims, shall ever afterwards be excluded and barred from the Benefit of this Act.

AND be it also further Enacted by the Authority aforesaid, That no Sheriff whatsoever within this her Majesty's Colony and Dominion, shall for the future have from the County any Allowance, Reward or Satisfaction for Publick Services, more than the Laws appointing Sheriffs Fees do direct and give for such Service; and that all such Services of the Sheriff, as the said Laws are silent about, or provide no Reward or Allowance for, shall be done *Ex officio*.

AND for the better Direction of the Courts appointed by this Act to pursue and follow the same in every Respect, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That all such Courts shall, and they and every of them are hereby strictly required and enjoyned to cause this Act to be duly read by their Clerk at the first Opening of every such Court.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Publick Claims, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No 9. *An Act concerning the Collection of the Publick and County Levies, and for the better Payment of the same to the respective Creditors therein concerned.*

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the several County Courts within this her Majesty's Colony and Dominion, shall in the first place admit, and they and every of them are hereby required in the first place to admit the Sheriff of their respective Counties for the time being, to be Collector of the Publick and County Levies raised therein.

PROVIDED always, and it is the true Intent and Meaning of this Act, That every Sheriff, before such his Admittance, shall, at the Court held for laying the County Levy, enter into Bond to our Sovereign Lady the Queen, her Heirs and Successors, with Two Sufficient Sureties, in double the Sum which the Publick and County Levies shall amount to, that he will honestly and faithfully collect, and duly pay and answer all the said Publick and County Levies unto the respective Country and County Creditors for whom they shall be raised, in such Parts and Proportion to every Creditor, as the same shall be ordered and directed to be paid.

PROVIDED also, That if the Sheriff of any County shall, at the laying of the County Levy, refuse or fail to give Bond with Sureties, as aforesaid, then it shall be lawful for the Court of such County, and such County Court is hereby impowered to put the Collection of the Publick and County Levies into the

the Hands of any other Person such Court shall think fit, which will give Bond and Security for his Performance in collecting and paying the said Levies according to the aforesaid Directions of this Act. *A. D.* 1705.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That every Sheriff, or other Collector of the Publick and County Levies, or of Secretaries Clerks, and Sheriffs Fees, shall, for every hundred Pounds of Tobacco he receives in an Hogshead for such Levies or Fees, allow to the Payer of the same Eight Pounds of Tobacco, as a Consideration and Satisfaction for the Cask, and so proportionably for a less Sum than One hundred Pounds of Tobacco; and that if any Sheriff or other Collector, as aforesaid, shall refuse or deny to make the said Allowance of Eight *per Cent.* as aforesaid, for all or any of the Tobaccoes which shall be paid him in an Hogshead on account of Levies and Fees, as aforesaid, such Sheriff or Collector shall forfeit and pay to the Party grieved One hundred Pounds of Tobacco for every Eight Pounds of Tobacco due for the Cask, which he refuses to pay for, as aforesaid, and so proportionably for a less Sum than Eight Pounds of Tobacco, to be recovered with Costs (if the Forfeiture exceed not Two hundred Pounds of Tobacco) upon a Complaint before any Justice of Peace of the County where such Refusal shall be made; and if it do exceed that Sum, by Action of Debt in any Court of Record within this Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall not be lawful for any Sheriff, or other Collector, as aforesaid, to make Seizure of any Hogshead of Tobacco paid away and marked for any Levies or Fees, put into his Hands to collect, although the said Levies or Fees may be levied by Distress, if the Person owing such Levies or Fees shall at the same Time, and on the same Plantation where the Seizure is made, offer and tender other good and merchantable Tobaccoes for Satisfaction of the same.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Sheriff, or other Collector, as aforesaid, shall, for any Levies or Fees, put into his Hands to collect, and which may be levied by Distress, make Seizure of an Hogshead of Tobacco, containing Net more Tobaccoes than is at that Time due to him for such Levies or Fees, such Sheriff or Collector shall suffer the Debtor, for such Levies or Fees, to take out of the Hogshead all such surplus Tobaccoes, or make the said Debtor immediate Satisfaction for it.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That every Sheriff, or other Collector, as aforesaid, having any Publick or County Levies to demand of any Person, who hath Publick or County Credit in his Hands, shall discount with such Creditor the Tobaccoes due for the said Levies out of the said Credit, or so much thereof, as the Credit in his Hands shall amount to, without requiring or exacting any Allowance from the Creditor for the same.

And to the End no Publick or County Creditor may be delayed or kept from receiving his just Dues in convenient Time, or exposed to a tedious Law Suit in recovering the same; Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That every Sheriff, or other Collector, as aforesaid, shall take Care to pay and satisfie all the Publick and County Creditors concerned in the Publick or County Levies put into his Hands, to collect the respective Sum or Sums of Tobacco, due to every of them out of the same, sometime before the Court, held for that County whereof he is Sheriff or Collector, as aforesaid, in the Month of *March* next after the Collection is put into his Hands; and that every Publick or County Creditor, which shall be then unpaid by any Sheriff, or other Collector, as aforesaid, upon a Complaint to that or any succeeding Court, shall have a Judgment granted, with Costs, against

A.D. 1705. such Sheriff, or other Collector, as aforesaid, and his Sureties, for what shall be then due and owing, without any other Process or farther Delay; any former Law, Usage or Custom to the contrary notwithstanding.

Provided nevertheless, That if such Complaint be made to any Court succeeding *March* Court, and the Sheriff be then absent, he shall, by Rule of Court, be ordered to answer the Complaint at the next Court, wherein, if he fail, Judgment shall be granted to the Complainant against him and his Sureties for what shall then appear to be due, with Costs.

And forasmuch as Sheriffs, or other Collectors, as aforesaid, may be prejudiced, if the Publick or County Creditors, to whom they are to make Payments, neglect to receive the Tobaccoes due to them, when ready: For Remedy in such Cases, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Publick or County Creditor, after Ten Days Notice given by the Sheriff, or other Collector, as aforesaid, that the Tobacco due to such Creditor out of the Publick or County Levy is ready, shall refuse or neglect to go or send to receive the same, then the Sheriff, or other Collector, as aforesaid, shall at any time afterwards have Liberty to make a Tender of the said Tobacco to such Creditor in Manner as is directed by an Act of this present General Assembly, Intituled, *An Act for Improving the Staple of Tobacco, and for Regulating the Size and Tare of Tobacco Hogsheads*, and upon such Tender made and executed, as aforesaid, shall have and receive the same Benefit and Advantage, that Debtors in other Cases do by Virtue of the said Act.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to the Collection of the Publick and County Levies, and the Payment of the same to the respective Creditors therein mentioned, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

Nº 10. *An Act directing the Building and Maintaining of Prisons, Pillories, Whipping-Posts, Stocks, and Ducking-Stools, in every County; and for settling the Rules of Prisons.*

Be it Enacted by the Governor, Council, and Burgesses of this General Assembly; and it is hereby Enacted by the Authority of the same, That the Court of every County within this Dominion, at the Charge of their respective County, shall cause to be built, and, from time to time for ever hereafter, shall maintain and keep in good Repair, within their said County, One Common Goal or County Prison, to be built of Brick or Timber, after the Manner of *Virginia* Housing, the Chimneys and Windows to be strongly grated with Iron Bars, and the Doors to be well and strongly made secure with good Locks and Bars of Iron; and also the Court of every County shall cause to be built and maintained, as aforesaid, within their County (near the Court-house) One Pillory and Whipping-Post, and a Pair of Stocks; and if the Court of any County within this Dominion shall at any time hereafter fail to perform their Duty herein, every Magistrate of such Court so failing, shall forfeit and pay the Sum of Five hundred Pounds of Tobacco; one Moiety thereof to the Queen, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the

 other

other Moiety to him or them that will inform or ſue for the ſame; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, in which no Eſſoign, Protection, or Wager of Law, ſhall be allowed; and, over and above the ſaid Forfeiture, ſuch Court ſo failing, ſhall be liable to pay all ſuch Sums, as ſhall, from time to time, be recovered againſt the Sheriff of their County upon any Eſcape, which ſhall happen for or by reaſon of ſuch Failure, to cauſe a Priſon to be built, as aforeſaid; which Sum ſhall be recovered by the Sheriff (againſt whom any Judgment for an Eſcape, as aforeſaid, ſhall be obtained) his Executors and Adminiſtrators, together with all Coſts and Damages thereby ſuſtained in the General Court, by Action of Debt, Bill, Plaint, or Information, to be brought againſt them, or the Survivors of them; and upon Recovery in any ſuch Action, Bill, Plaint, or Information, the General Court is hereby impowered and required to aſcertain how much every particular Magiſtrate then living (and the Heirs, Executors and Adminiſtrators of ſuch as ſhall be deceaſed) ſhall pay reſpectively, and accordingly One or more Executions ſhall and may be iſſued thereupon; and if the Court of any County ſhall at any time hereafter think fit, they are hereby authorized and impowered, at the Charge of their County, to cauſe a Ducking-Stool to be built in ſuch convenient Place, as they ſhall direct. *A.D. 1705.*

And for the Preſervation of the Health of ſuch Perſons, as ſhall at any time hereafter be committed to the ſaid County Priſons, the County Court ſhall have Power to mark out, by Metes and Bounds, ſuch a Parcel of Land, as they ſhall think fit (not exceeding Ten Acres) adjoyning to the Priſon, for the Rules thereof; and every Priſoner, not committed for Treaſon or Felony, giving good Security to keep within the ſaid Rules, ſhall have Liberty to walk therein out of the Priſon, for the Preſervation of his or her Health; and every Priſoner, giving Security, as aforeſaid, and keeping continually within the ſaid Rules, ſhall be, and is hereby adjudged and declared to be in Law a true Priſoner; and that every Perſon therewith concerned may know the true Bounds of the ſaid Rules, the ſame ſhall be recorded in the County Records, and the Marks thereof ſhall, from time to time, be renewed, as Occaſion ſhall require.

And be it further Enacted, That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to directing the Building and Maintaining of Priſons, Pillories, Whipping-Poſts, Stocks, and Ducking-Stools, in every County, and ſettling the Rules of Priſons, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

An Act for the Speedy and eaſie Proſecution of Slaves committing Capital Crimes. N° 11.

Whereas a ſpeedy Proſecution of Slaves for Capital Crimes is abſolutely neceſſary, and that the ſame be done without the extraordinary Charge uſually attending the Trials of Criminals in the General Court; Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly; and it is hereby Enacted by the Authority of the ſame, That every Slave committing ſuch Offence, as by the Law ought to be ſatisfied by the Death of the Offender, or Loſs of Member, ſhall be forthwith committed to the Common Goal of the County, within which ſuch Offence ſhall be committed, there to

be

A.D. 1705. be safely kept; and that the Sheriff of such County, upon such Commitment, shall forthwith certifie such Commitment, with the Cause thereof, to the Governor or Commander in chief of this her Majesty's Colony and Dominion for the time being, who is thereupon desired and impowered to issue out a Commission of *Oyer* and *Terminer*, directed to such Persons of the County, as he shall think fit, which Persons forthwith, after the Receipt of such Commission, are impowered and required to cause the Offender to be publickly indicted and arraigned at the Court-house of the said County, and to take for Evidence the Confession of the Party, or the Oath of Two credible Witnesses, or of One, with pregnant Circumstances, without the Solemnity of a Jury, and the Offender being by them found guilty, to pass such Judgment upon such Offender, as the Law provides in the like Crimes, and on such Judgment to award Execution.

Provided always, and it is hereby intended, That the Master or Owner of any Slave, to be indicted or arraigned by Virtue of this Act, may appear at the Trial, and make what just Defence he can for such Slave, so that such Defence do only relate to Matters of Fact, and not to any Formality in the Indictment, or other Proceedings of the Court.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Slave shall be convicted and condemned upon any Trial to be had by Virtue of this Act, the Justices that shall sit in Trial shall put a Valuation in Money upon such Slave so condemned, and certifie such Valuation to the next Assembly, that the said Assembly may be enabled to make a suitable Allowance thereupon to the Master or Owner of such Slave.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to the speedy and easy Prosecution of Slaves committing Capital Crimes, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No 12. *An Act to prevent the clandestine Transportation or carrying off Persons in Debt, Servants and Slaves, out of this Colony.*

Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That no Master of a Ship, Sloop, Boat, or other Vessel, shall transport, or carry any Person whatsoever, out of this Colony and Dominion, without a Licence or Pass for the same, signed by the Secretary of this Dominion for the time being, or such other Person as he shall depute and authorize for that Purpose, upon Penalty of answering and paying every Debt and Duty the said Person, at going out of this Colony, shall owe or stand obliged for to the Queen's Majesty, her Heirs and Successors, or to any of the Inhabitants, Merchants, or Traders here, by Judgment on Record, Bill, Bond, Covenant, Account, or any other Ways or Means whatsoever, to be recovered against the said Master by Action of Debt in any Court of Record within this Colony and Dominion.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That, after Publication of this Act, no Master of a Ship, Sloop, Boat, or other Vessel, shall transport or carry any Servant whatsoever, or any Negro, Mulatto, *Indian*, or other Slave, out of this Colony and Dominion, without a

Licence

Licence or Pass, as aforesaid, or the Consent, Leave, or Permission of the Person or Persons, to whom such Servant or Slave doth of Right belong, upon Penalty of forfeiting and paying, in current Money, the Sum of Fifty Pounds for every Servant, and the Sum of One hundred Pounds for every Slave, transported or carried hence contrary to this Act; one Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Party grieved; to be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed. A.D. 1705.

AND that the Transporting or carrying Debtors, Servants, or Slaves out of this Colony, contrary to this Act, may be the more effectually prevented; Be it also further Enacted by the Authority aforesaid, and it is hereby Enacted, That any Master of a Ship, Sloop, Boat, or other Vessel, offending therein, shall be liable to be sued at any time, for any Debt due and owing, as aforesaid, from the Person he shall transport or carry hence contrary to this Act, and for any Forfeiture accruing due from himself by Virtue of this Act; and that, whensoever any Action, Plaint, Information, or other Suit, shall be brought against the said Master for or concerning the Premisses, or any of them, the Court, wherein the said Action, Plaint, Information, or Suit, shall be depending, shall not admit him to plead in Bar, or give in Evidence any Act for Limitation of Actions; any Law, Usage or Custom to the contrary notwithstanding.

AND be it Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall not be lawful for the Secretary, or any Deputy appointed by him, to grant a Licence or Pass for Transporting or carrying any Person whatsoever out of this Colony, unless sufficient Bond, with Two Sureties, be given to the Secretary of this Dominion, to the Value of Two thousand Pounds Sterling, with Condition to answer and pay every Debt and Duty the said Person, at going out of this Colony, shall owe or stand obliged for by any Ways or Means whatsoever, or unless the said Person have a Certificate from a County Court Clerk, in the Form following;

I A. B. *Clerk of* Y——— *County Court, do hereby certifie,* That C. D. *is, and for some Time past hath been, an Inhabitant of this County, and hath published his Intentions of going out of this Colony according to Law, dated this* ——— *Day of* ———

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall not be lawful for any County Court Clerk to issue such Certificate for any Person whatsoever, till Ten Days after Publication hath been made in his County of the said Person's Intentions to go out of this Colony, by a Note thereof set up at the County Court-house on a Court-Day.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That notwithstanding a Certificate from a County Court Clerk, as aforesaid, if a Caveat be entred to hinder a Licence or Pass thereupon, and sufficient Bond given, with One Surety, payable to the Secretary of this Dominion, for the Sum of Five hundred Pounds, by the Person entring the said Caveat, with Condition to answer and pay all Damages, which the Party stopped by the Caveat shall recover, it shall not then be lawful for the Secretary, if the said Caveat be entred with him, or any of his Deputies, with whom the said Caveat shall be entred, to grant a Licence or Pass upon the said Certificate, unless the Party so stopped shall give sufficient Bond, with One Surety also, to the Secretary of this Dominion, for double the Sum claimed, by the

A.D. 1705. Person entring the Caveat, with Condition to answer and pay whatever the said Person shall recover of his pretended Claim.

PROVIDED always, and it is hereby Enacted and Declared, That the said Surety, or any other Sureties for Persons going out of this Colony after the Expiration of Two Years, shall be discharged and acquitted from all Claims and Demands whatsoever, which may or can be brought against them by Virtue of their being Sureties, as aforesaid; Except such for which Suit shall be then depending, or for which Suit hath been commenced within that Time; any Law, Usage or Custom to the contrary notwithstanding.

AND for the greater Ease of the Inhabitants of this Colony and Dominion, in procuring a Licence or Pass, when Need shall be; Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Secretary of this Dominion for the time being shall appoint, have, and keep, in each District of the Colony, at least One Deputy for granting Licences or Passes, according to this Act, to any Person within the District, and that if, for the Space of Two Months after Publication of this Act, he shall fail to appoint Deputies, according to this Act, or, having appointed the said Deputies, shall fail to signifie to the several County Court Clerks in each District, what Person he hath appointed for the District, or shall fail, when a Vacancy happens in a District within Two Months after the Vacancy, to appoint another Deputy for the said District, or to signifie his said Appointment to the several County Court Clerks within the District, as aforesaid, he shall forfeit and pay Fifty Pounds, current Money, for every such Failure; one Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him, her, or them, that shall inform or sue for the same, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or any more than one Imparlance, shall be allowed.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person, desirous to go out of this Colony and Dominion, in order to obtain a Licence or Pass for it, shall offer to give Bond with Sureties, or produce a County Court Clerk's Certificate, according to this Act, and the Secretary or his Deputy, to whom such Bond shall be offered, or Certificate produced, shall refuse to grant a Licence or Pass thereupon, unless a Caveat be entred, according to this Act, to hinder the same, the Secretary or his Deputy offending therein, shall forfeit and pay Five hundred Pounds, current Money; one Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Party grieved, prosecuting within Six Months next ensuing the Offence committed, and afterwards to the said Party, or any other Informer; to be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or any more than one Imparlance, shall be allowed.

AND to the End every Master of a Ship, Sloop, Boat, or other Vessel, which shall lawfully transport or carry any Person out of this Colony, may be the better enabled to manifest the same, if questioned after he hath lost his Licence or Pass; Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the County Court Clerks shall register, in their respective Offices, all Certificates by them issued in Pursuance of this Act, that the Secretary's Deputies shall, in *October* General Court, annually return Certificates of all the Licences or Passes by them respectively granted the Year before, to the Secretary's Office, that the Clerk of the said Office shall there register all the said Certificates, as they come to his Hands, or within a reasonable Time after; and that if the Secretary shall grant any Licence or Pass himself, he shall take Care a

Certificate thereof be regiſtred in the Secretary's Office within a Year after the granting it; and if any of the Perſons aforeſaid ſhall at any time fail to perform the reſpective Duty of his Office, as aforeſaid, in any Particular, for every ſuch Failure he ſhall forfeit and pay the Sum of Five Pounds, current Money; one Moiety to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Informer; to be recovered, with Coſts, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, ſhall be allowed. *A.D. 1705.*

And be it further Enacted, That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to the clandeſtine Tranſportation or carrying off Perſons in Debt, Servants and Slaves, out of this Colony, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

An Act concerning Waifts and Strays. N° 13.

Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly; and it is hereby Enacted by the Authority of the ſame, That every Perſon, that ſhall take up any ſtray Horſe, Mare, or Cattle, or Boat adrift, ſhall cauſe the ſame, with the Deſcription thereof, *viz.* the Mark, Stature, and Colour of the Horſes, Mares, and Cattle, and the Burthen and Built of the Boat, to be publiſhed, by ſetting up a Note or Advertiſement thereof, at each Church and Chapel in the County Two *Sundays* or Sermondays ſucceſſively within One Month after the taking up of ſuch Horſes, Mares, Cattle, or Boat; and if no Owner appear upon ſuch publick Notice given, ſhall then publiſh the ſame at the next County Court, and ſet it up in Writing at the ſaid Court-door One whole Court-day; and for a Reward of taking up the ſame, ſhall be paid by the Owner Five Shillings for every ſuch Horſe, Mare, and Boat; and every Perſon making Default herein, or making Uſe of any ſuch ſtray Horſes, Mares, or Cattle, or Drift-Boat, ſhall forfeit and pay, for every ſuch Horſe, Mare, and Head of Cattle, ſo taken up aſtray, and every Boat, ſo taken up adrift, the Sum of Fifteen Shillings, current Money, to the Informer, to be recovered with Coſts before a Juſtice of the Peace of the County where the Offence is committed, and moreover ſhall anſwer and pay double Damages to the Owner.

Provided always, and be it Enacted, That when any Horſes, Mares, or Cattle, being above Two Years old, ſhall be taken up aſtray, or Boat adrift, and ſo publiſhed, and no Owner appear to make his or her Claim within One Year after ſuch taking up, the Taker up ſhall, by Warrant from a Juſtice of the Peace of that County, have ſuch Horſes, Mares, Cattle and Boat appraiſed, and ſhall then have the Property of ſuch Horſes, Mares, Cattle, and Boat, and ſhall only be anſwerable to the Owner for the Valuation thereof, after the Abatement of the Reward for taking up the ſame.

And be it further Enacted, That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to Waifts and Strays, or any other Matter or Thing whatſoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

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A.D. 1705.

Nº 14.

An Act against stealing Hogs.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any Person or Persons shall, from and after the Publication of this Act, steal any Hog, Shoat, or Pig, every Person so offending, shall, for the first Offence, receive, on his or her bare Back, Twenty five Lashes, or pay down Ten Pounds, current Money of *Virginia*, and if a Negro, Mulatto, or *Indian*, Thirty nine Lashes, well laid on at the common Whipping-Post of the County wherein such Offence shall be committed, or the Party offending arrested, and moreover shall pay tnd satisfie Four hundred Pounds of Tobacco for every such Hog, Shoat and Pig; One Half of the aforementioned Fines to be to the Owner of such Hog, Shoat or Pig, and the other Half to the Informer; to be recovered, with Costs, at the Suit of the Informer, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law, shall be allowed. And if any Person or Persons shall the second time offend, by stealing any Hog, Shoat or Pig, he or the so offending, and being thereof the second time convicted, shall stand Two Hours in the Pillory on a Court-day, and have both Ears nailed thereto, and at the End of the said Two Hours have the Ears cut loose from the Nails; which Judgment the County Courts in this Colony are hereby impowered to give respectively, and to award Execution thereon accordingly: Saving always, and reserving to each Party concerned Liberty of appealing to the General Court, provided they give Bond, with good Security, in the Sum of Twenty Pounds Sterling, for his or her Personal Appearance in the General Court, according to the Appeal, and to perform and abide what they shall award therein: And moreover, each Party offending, as aforesaid, shall pay and satisfie Four hundred Pounds of Tobacco for every such Hog, Shoat and Pig, to be recovered and divided, as aforesaid. And if in either of the said Cases, to wit, the first or second Offence of Hog-stealing, the Person offending be a Servant by Indenture or Custom, *&c.* then the Master or Owner of such Servant shall pay and satisfie the said Four hundred Pounds of Tobacco, and shall be satisfied for the same again by Service of the said Servant after the Rate of One hundred and fifty Pounds of Tobacco for One Month's Service, and Judgment shall go accordingly. And if such Person so offending be a Slave, then the Owner of such Slave shall pay and satisfie Two hundred Pounds of Tobacco to the Owner of the Hog, and Judgment shall go accordingly.

AND if there be more Actors than One in the same Offence of Hog-stealing, though it be but for One Hog, Shoat or Pig; It is hereby Enacted and Declared, That each Person shall be adjudged to the Punishment and whole Fine, and may be particularly prosecuted.

PROVIDED always, That this Clause shall not be construed to extend to Owners of Slaves paying more than once for One Hog, but that having paid once Two hundred Pounds of Tobacco for each Hog stolen, shall be acquit. And if Slaves of several Masters be concerned together in one Offence of Hog-stealing, then the Pay for such Hog or Hogs shall be paid by the Owners of such Slaves in Proportion. And if any Person or Persons shall the third time offend, by stealing a Hog, Shoat or Pig, he or she so offending, shall be adjudged a Felon, and shall suffer Death, as in the Case of Felony.

AND for the more effectual Prevention of Hog-stealing, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons shall bring, or cause to be brought, to his or her own House, or any other House of Reception, any Hog, Shoat or Pig without Ears, or shall receive

ceive any ſuch, and ſhall not immediately diſcover the ſame to a Juſtice of the Peace of the County, he, ſhe, and they ſo offending, ſhall, by Virtue of this Act, be adjudged a Hog-ſtealer, and ſhall ſuffer the Pains, Penalties and Forfeitures accordingly. *A.D.* 1705.

PROVIDED nevertheleſs, That if any Perſon or Perſons, ſo bringing, cauſing to be brought, or receiving ſuch Hog without Ears, ſhall be able to prove the lawful Propriety of the ſaid Hog to be in him, her, or themſelves, he, ſhe, and they ſhall not then, in ſuch caſe, be liable to any Pains, Penalties or Forfeitures mentioned in this Act; any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

AND whereas many of the Tributary *Indians* keep Hogs, and are ſuſpected, on Pretence thereof, to ſteal and deſtroy the Stocks of the *Engliſh*; Be it therefore further Enacted, That all *Indians* whatſoever, keeping any Hogs, ſhall give them the ſame Mark which hath been, or, by the next adjacent County Court, ſhall be allowed to their Town: And if any Perſon, not being an *Indian*, ſhall buy or receive from any *Indian* any Pork, and cannot prove ſuch Pork to be of the proper Mark of the Town of *Indians* to which ſuch *Indian* ſhall belong, he or ſhe ſo offending, ſhall forfeit and pay One thouſand Pounds of Tobacco; one Half thereof to be to the Queen, her Heirs and Succeſſors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majeſty's Colony and Dominion, wherein no Eſſoign, Protection, or Wager of Law, ſhall be allowed.

AND be it further Enacted and Declared, That it ſhall not be lawful for any Perſon to hunt, ſhoot, or kill any unmarked Hog, Shoat or Pig, if the ſame ſhall be found either in Company of the Hogs, or ranging upon the Land of any other Perſon, on Pain of being fined One thouſand Pounds of Tobacco for every ſuch Offence; to be recovered, with Coſts, at the Suit of the Informer, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion. And if any Perſon kills any unmark'd Hog or Shoat ranging upon his or her Land, or upon any unpatented Lands, and being either alone or in Company of his or her own Hogs, or of other unmark'd Hogs (in all which Caſes it is lawful to hunt or kill unmark'd Hogs or Shoats) ſuch Perſon ſhall, within Three Months then next coming, give an Account thereof upon Oath to ſome Juſtice of the Peace of the County, and ſhall take a Certificate thereof accordingly, for his or her Juſtification; and every Perſon failing to do what is enjoyned in this Caſe, is hereby declared to be a Hog-ſtealer, and ſhall ſuffer the Pains, Penalties and Forfeitures accordingly.

AND be it further Enacted, That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to ſtealing Hogs, or to any other Matter or Thing whatſoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

A.D. 1705.

N° 15. **An Act for Prevention of Trespasses by unruly Horses, Cattle, Hogs, Sheep, and Goats, and by taking away Boats and Canoes.**

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any Horses, Mares, Cattle, Hogs, Sheep, or Goats, shall break into any Grounds, being inclosed with a strong and sound Fence, Four Foot and half high, and so close, that the Beasts or Kine, breaking into the same, could not creep through; or with an Hedge Two Foot high, upon a Ditch of Three Foot deep, and Three Foot broad, or instead of such Hedge a Rail Fence of Two Foot and half high, the Hedge or Fence being so close, that none of the Creatures aforesaid can creep through (which shall be accounted a lawful Fence) the Owner of the said Horses, Mares, Cattle, Hogs, Sheep, or Goats, and of any One of them, shall, for the first Trespass by them, or any of them, committed, make Reparation to the Party injured for the true Value of the Damage he shall sustain, with Costs of Suit; and for every Trespass afterwards, double Damages, and Costs of Suit, to be recovered in any Court of Record in this her Majesty's Colony and Dominion in such Manner, as the Law in the like Cases directs.

PROVIDED always, and it is hereby intended, That for a third Offence of any One or more Horses, Mares, Cattle, Hogs, Sheep, or Goats, breaking into Inclosures, as aforesaid, and barking Fruit-trees, it shall be at the Election of the Party injured to sue for his Damages, or to kill and destroy the Beasts or Kine so trespassing, without being answerable to any One for the same.

AND to the End that the Condition of the Fence, at the Time of the Trespass committed, may be proved to a Jury upon Trial, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That, upon Complaint made by the Party injured before any Justice of the Peace for that County wherein the Trespass shall be committed, the said Justice of Peace is hereby impowered and required to issue his Order, without Delay, to Three honest Housekeepers of the Neighbourhood, who are no ways related to the Party injured, nor interested concerning the Trespass reciting the Complaint, and requiring them to view the Fence where the Trespass is complained of, and to take *Memorandums* of the same, and their Depositions in such case shall be good Evidence to the Jury, as touching the Lawfulness of the Fence.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person, damnified for want of such sufficient Fence, shall hurt, wound, lame, kill, or destroy, or cause to be hurted, wounded, lamed, killed, or destroyed, by shooting, hunting with Dogs, or otherwise, any of the Kine or Breed of Horses, Cattle, Sheep, Goats, or Hogs, he, she, or they so offending, shall pay and satisfie to the Owner of the Creature so hurt, wounded, lamed, killed, or destroyed, double Damages, with Costs, recoverable, as aforesaid, except the Damages alledged be under Twenty Shillings, and then recoverable before any Two Justices of the County, *Quorum unus.*

AND be it also further Enacted by the Authority aforesaid; and it is hereby Enacted, That all Persons whatsoever, Owners of Horses, Mares, Cattle, or other Beasts, which are known to have barked Fruit-trees, shall be, and are hereby obliged to keep the said Horses, Mares, Cattle, and other Beasts, within their own fenced Ground.

AND

A.D. 1705.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person shall take up any Horse, Mare, Kine, or other Beast, that hath been known barking Fruit-trees, and shall deliver the same to the Owner thereof, the said Owner shall pay to the said Taker up One hundred Pounds of Tobacco for every Beast so taken up and delivered, recoverable, with Costs, before any Justice of the County, wherein the Beast was taken up or the Owner lives: Provided always, That, if it be required, the said Taker up of such Horse, Mare, or other Beast, shall make Oath before the said Justice, of his taking up the same, and that no Means were, by himself or any other Person, that he knows of, used to set the same at large otherwise, shall lose the said Reward of One hundred Pounds of Tobacco.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That every Person whatsoever, that shall, without the Leave of the Owner, take away any Boat or Canoe, shall pay to the said Owner of such Boat or Canoe, for every such Offence, Five hundred Pounds of Tobacco, over and above the Damage the said Boat or Canoe shall sustain, and over and above the Charge in regaining and bringing her back again; and if such Person trespassing be a Servant, he or she shall make the like Satisfaction, by his or her Service, when the Time due to his or her Master shall be expired; and if there be several Actors in one Trespassing or taking away the Boat or Canoe at one Time, it is hereby declared, that every Person shall pay the whole Fine.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Trespasses by unruly Horses, Cattle, Hogs, Sheep, and Goats, or to taking away Boats and Canoes, or to any other Matter or Thing within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act giving a Reward for killing of Wolves.

No. 16.

FOR an Encouragement to all manner of Persons to endeavour the Destruction and killing of Wolves, which, in all Parts of this her Majesty's Colony and Dominion, very much obstruct the Raising and Increase of Cattle, Sheep, and Hogs; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That whatsoever Person or Persons (the Tributary and all Foreign *Indians* excepted) shall, after the Publication of this Act, kill or destroy Wolves, old or young, such Person or Persons, for every Wolf taken and destroyed by Means of a Pit or Trap, made and kept for that Purpose, shall have a Reward of Three hundred Pounds of Tobacco, and of Two hundred Pounds of Tobacco for every Wolf killed or destroyed by any other Way. That whatsoever *Indian* or *Indians*, Tributary to this Dominion, shall kill or destroy Wolves, such *Indian* or *Indians*, for every Wolf killed or destroyed by any Means whatsoever, shall have a Reward of One hundred Pounds of Tobacco, and no more; and that the said several Rewards shall be paid to the respective Person or Persons meriting the same, in the County where the Fact happens to be done.

And to that End, Be it further Enacted by the Authority aforesaid, That the several County Courts within this her Majesty's Colony and Dominion, be impowered, and every of them is hereby impowered, authorized and required, at the laying of the County Levy, annually to allow and order, to all and every Person or Persons claiming or demanding any of the Rewards aforesaid, the respective Sum or Sums of Tobacco, accruing due to such Person or Persons

by

A. D. 1705. by Virtue of this Act, and to assess, raise or levy the same upon the Tythable Persons within their respective Counties by a Poll-tax.

PROVIDED always, and it is the true Intent and Meaning of this Act, That whatsoever Person or Persons shall kill or destroy Wolves for sake of the Rewards given by this Act, or any of them, such Person or Persons shall carry the Head of every Wolf so killed or destroyed to a Justice of the Peace of the County where the Fact happens to be done, shall before him make due Proof how, when, and where every Wolf was killed or destroyed, and shall take from the said Justice a Certificate thereof to the County Court, and shall produce, or cause the same to be produced, when the County Levy is laid, otherwise it shall not be lawful for the County Court to grant or allow any Claim or Demand whatsoever concerning the same.

AND be it Enacted by the Authority aforesaid, That every Justice of Peace within this her Majesty's Colony and Dominion, be impowered, and every of them is hereby impowered and required, within his respective County, to receive the Heads of Wolves, killed or destroyed in Pursuance of this Act, and, upon due Proof made, to grant and issue Certificates to the County Court, as aforesaid, how, when, and where such Wolves were killed or destroyed, concerning which it shall and may be lawful for every Justice, to whom Application shall be made for Certificate, to admit as good and due Proof, either the Oath or Oaths of the Person or Persons making Application, or such being refused or unfit to be taken, any other Evidence, Testimony, or Circumstance in his Discretion probable and convincing.

AND forasmuch as Frauds may happen frequently by Means of *Indians* killing of Wolves in one County, and bringing the Heads of them to another County, for sake of the Reward, in point of Payment, in case great Care be not taken to prevent the same; Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful for every Justice of Peace, to whom any *Indian* or *Indians* shall make Application for a Certificate, upon the least Suspicion he hath of a Fraud, to forbear and delay giving the Certificate, until such *Indian* or *Indians* shall bring him convincing and satisfactory Testimony, that the Wolf or Wolves, concerning which Certificate is desired, were killed in that County, to which such Justice belongs.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to giving a Reward for killing of Wolves, or any other Matter or Thing within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No 17.

An Act for Encouragement of the Land Frontiers.

WHereas the Counties on the Land Frontiers of this Colony are exposed to many Dangers from the Incursions of *Indian* Enemies, whereby the Trouble and Charge of the Inhabitants of those Counties are far greater than others of the Inland Parts of the Country: And whereas the augmenting and inlarging the said Frontier Counties will very much add to their Strength and Safety, by increasing their Militia, and thereby render the Duty they are often obliged unto less burdensom to the Inhabitants in general; Therefore, as an Encouragement to the aforesaid Frontier Plantations, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted by the Authority of the same, That no County on the Land

Land Frontiers ſhall hereafter be divided, unleſs there ſhall be left in the Upper County, after the Diviſion, at leaſt Eight hundred Tythable Perſons, and unleſs the whole County, as it ſtood before the Diviſion, be obliged equally to contribute to the Building a decent Church, Court-houſe, and Priſon, in ſuch Frontier County, after the Form and Manner now generally uſed within this Colony. *A. D.* 1705.

PROVIDED always, That if the Upper Inhabitants of any Frontier County ſhall ſeek the Diviſion of themſelves, they ſhall not then be entitled to any Privilege by Virtue of this Act.

An Act directing the Building an Houſe for the Governor of this Colony and Dominion. N°. 18.

WE her Majeſty's moſt Dutiful and Loyal Subjects, the Burgeſſes now aſſembled, having taken into our ſerious Conſideration her Majeſty's Commands concerning the Building of an Houſe for the Governor of this her Majeſty's Colony and Dominion, and how neceſſary it is, that ſuch an Houſe be built without any further Delay, have chearfully and unanimouſly given and granted unto her moſt Excellent Majeſty the Sum of Three thouſand Pounds, to be employed, made uſe of, and expended according to the Directions of this Act hereafter mentioned, and do humbly pray your Excellency it may be Enacted; and be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted by the Authority of the ſame, That an Houſe for the Reſidence of the Governor of this Colony and Dominion be, with all convenient Expedition, erected, built, and finiſhed upon the Land bought of *Henry Tiler*, joyning to the City of *Williamsburgh*, or upon ſo many of the next adjacent Lots laid out for the City of *Williamsburgh*, as to the Directors of the ſaid City ſhall ſeem moſt fit and convenient, or upon either or both of them; and that the ſaid Land, containing Sixty three Acres, and lying on the North-ſide of the ſaid City, together with the fore-mentioned Lots, and the ſaid Houſe, and all and ſingular the Appurtenances, ſhall, from time to time, and at all times hereafter, be held and enjoyed by the Governor or Commander in chief of this Dominion for the time being for ever, to his own proper Uſe and Behoof, and ſhall not be applied to any other Uſe whatſoever: And that the ſaid Houſe be built of Brick Fifty four Foot in Length, and Forty eight Foot in Breadth from Inſide to Inſide, Two Story high, with convenient Cellars underneath, and one Vault, Saſh Windows of Saſh Glaſs, and a Covering of Stone Slate; and that in all other Reſpects the ſaid Houſe be built and finiſhed according to the Diſcretion of the Overſeer, which ſhall be employed by Virtue of this Act to take Care of the ſame, under the Direction of the Governor and Council.

AND be it further Enacted, That a Kitchin and Stable, ſuitable for ſuch an Houſe, be likewiſe built upon the Land before-mentioned, according to the Diſcretion of the ſaid Overſeer, and by the Direction aforeſaid.

AND be it further Enacted, That for the more eaſie and better Building and finiſhing the aforeſaid Houſe and Out-houſes, the ſaid Overſeer have full Power to ſend to *England* for Iron-work, Glaſs, Lead, Stone, Slate, or any other Neceſſaries to be made uſe of in or about the ſaid Buildings, and that the ſame be imported at the Riſque of the Country; and alſo, on the like Riſque, to buy ſuch and ſo many Slaves, Horſes, Carts, and other Materials, as in his Diſcretion he ſhall think fit, for the more expeditious and cheap Carrying on the ſaid Work.

A. D. 1705. AND be it further Enacted, That for a Supply of Moneys to begin, carry on, and finish the aforesaid House and Out-houses, the said Overseer shall, from time to time, as the Occasion shall require, make Application to his Excellency the Governor, or the Governor or Commander in chief of this Colony and Dominion for the time being, who is hereby desired, upon such Application, to issue his Warrant upon the late and present Treasurer of this Dominion, for so much Money as may be wanted, until the full Sum of Three thousand Pounds, given and granted to her Majesty, as aforesaid, shall be fully paid out.

AND be it further Enacted, That the said Sum of Three thousand Pounds shall be employed, made use of, and expended, in Building the House and Out-houses directed by this Act, and the Charges thereupon accruing, and to and for no other Use or Uses whatsoever.

AND be it further Enacted, That *Henry Cary* be appointed, and he is hereby appointed an Overseer, to inspect, oversee, and provide for the Building aforesaid, with full Power to begin, carry on, and finish the same, according to the Directions of this Act: And in case at any Time hereafter there be a Necessity of appointing a new Overseer, by means of the Death or Disability of the said *Henry Cary*, or any other Person, that shall succeed him in the said Employment and Trust, his Excellency the Governor, or the Governor or Commander in chief of this Colony and Dominion for the time being, is hereby desired, on all such Occasions, to nominate and appoint such new Overseer, and every Person so appointed, is hereby declared to have as full Power to proceed and act in carrying on and finishing the said Buildings, as the said *Henry Cary* hath by Virtue of this Act.

AND be it further Enacted, That the said *Henry Cary*, and every other Person, which after him shall be appointed to be an Overseer, as aforesaid, shall be paid and allowed for the Time of their respective Service and Attendance in the Employment and Trust aforesaid, after the Rate of One hundred Pounds a Year.

PROVIDED always, and be it Enacted, That the said *Henry Cary*, and every other Person, which after him shall be appointed to be an Overseer, as aforesaid, shall, before his Admittance into the said Employment and Trust, enter into Bond, with One Surety, of Five hundred Pounds Sterling, to our Sovereign Lady the Queen, her Heirs and Successors, that he will not imbezil or convert to his own Use any Part of the Money or Materials put into his Hands for carrying on the Building aforesaid, but that, according to the best of his Skill and Understanding, and the Trust reposed in him, he will faithfully lay out all such Moneys in and about the Uses and Services for which he receives it; and also, that he will lay an Account of his Disbursements, from time to time, before the Governor and Council, and before the Assembly at their Meeting, and make Oath thereto, when required.

AND be it further Enacted, That all such Charge and Expence, as shall or may hereafter accrue, for Repairing the House and Out-houses directed by this Act, shall be defrayed out of her Majesty's Revenue of Two Shillings *per* Hogshead.

An

A.D. 1705.

No 19.

An Act for Establishing the General Court, and for Regulating and Settling the Proceedings therein.

FOR a speedy and regular Determination of all Controversies and Differences between any Persons, and for Continuing, Constituting, and Erecting such Courts, as shall be competent and necessary to hear and adjudge all such Causes, as shall be brought before them; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That at some One certain Place, to be lawfully appointed, and at such Times, as herein after directed, there shall be held One principal Court of Judicature for this her Majesty's Colony and Dominion of *Virginia*; which Court shall be, and is hereby established by the Name of The General Court of *Virginia*, and shall consist of her Majesty's Governor or Commander in chief, and the Council for the time being, any Five of them to be a *Quorum*, and they are hereby declared and appointed Judges or Justices to hear and determine all Suits and Controversies, which shall be depending in the said Court.

AND be it Enacted, That every Person, which shall from time to time, or at any time hereafter, enjoy the Office of a Judge or Justice of the said General Court, at and before his entring into and upon the said Office, shall take the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, and shall make and subscribe the Declaration appointed by one Act of Parliament, made in the Twenty fifth Year of the Reign of the late King *Charles* the Second, Intituled, *An Act preventing Dangers, which may happen from Popish Recusants*, and the Oath mentioned in an Act of Parliament, Intituled, *An Act to declare the Alteration in the Oath appointed to be taken by the Act*, Intituled, *An Act for the further Security of her Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of* Wales, *and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*: And if any Person whatsoever shall presume to sit, judge, decree, direct, act or do any manner of Act or Acts, Thing or Things whatsoever appertaining and properly belonging to the Office of a Judge or Justice of the said General Court, before he hath taken the said Oaths, and every of them, and made and subscribed the said Declaration, as is afore directed, and every of them, every Person so presuming to sit, judge, decree, direct, act or do, as aforesaid, without taking the Oaths, and making and subscribing the Declaration afore-mentioned, and every of them, shall, for every such Offence, be fined Five hundred Pounds Sterling; one Moiety thereof to her Majesty, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety thereof to him, her, or them, that shall inform or sue for the same: Provided always, that if the said Oaths, Declaration, or any of them, shall be abrogated by Authority of the Parliament of *England*, or become otherwise void, the same shall also be adjudged, deemed and taken to be abrogated, and to become void in this Colony and Dominion also.

AND be it further Enacted, That the said General Court shall take Cognizance of, and are hereby declared to have full Power, and lawful Authority and Jurisdiction, to hear and determine all Causes, Matters and Things whatsoever relating to, or concerning any Person or Persons, Ecclesiastick or Civil, or to any other Persons or Things of what Nature soever the same shall be, whether the same be brought before them by Original Process, Appeal from ny other Court, or by any other Ways or Means whatsoever.

PROVIDED

A.D. 1705. PROVIDED always, That no Person shall take Orignal Process for the Trial of any Suit in the General Court, of less Value than Ten Pounds Sterling, or Two thousand Pounds of Tobacco, on Penalty of having such Suit dismist, and the Plaintiff being Nonsuited, and paying Costs of Suit.

PROVIDED always, That if the Justices of any County Court, or the Vestry of any Parish, shall become liable to Prosecution for the Breach of any Penal Law relating to their Office, in such case it shall and may be lawful for her Majesty's Attorney General, or any other Person or Persons thereunto permitted or impowered by Law, to inform or sue in the General Court for the Penalty due on the Breach of such Penal Law, although it be of less Value than Ten Pounds Sterling, or Two thousand Pounds of Tobacco; any thing herein contained to the contrary notwithstanding.

AND be it further Enacted, That the said General Court shall be held Two times every Year, to wit, one Court shall begin upon the Fifteenth Day of *April*, if not on a *Sunday*, and then on the *Monday* thereafter, and shall continue to be held Eighteen Natural Days, *Sundays* exclusive; and one other Court shall begin on the Fifteenth Day of *October*, if not on a *Sunday*, and then on *Monday* thereafter, and shall continue to be held Eighteen Natural Days, *Sundays* exclusive.

PROVIDED neverthelesss, That if all Suits, and other Matters depending in the said Courts, shall be ended in less Time, than the Days appointed by this Act for them to sit, in such case it shall be lawful for the said Judges or Justices to adjourn until the next succeeding General Court.

AND be it further Enacted, That the said Judges or Justices, and every One of them, at the Time of his or their entring into and upon his and their Office or Offices, shall take the following Oaths, and every of them, for the due Execution of his and their said Office and Offices, under the like Fine, Penalty and Forfeiture, as is before mentioned for not taking the Oaths appointed by Act of Parliament, to be taken instead of the Oaths of Supremacy and Allegiance; to be recovered and divided in the same Manner.

The Oath of a Judge of the General Court.

YOU shall Swear, That you will well and truly serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia; *and you shall not counsel or assent to any thing, the which might turn to the Hurt or Disheriting of the Queen by any Way or Colour; and you shall do equal Law and Execution of Right to all the Queen's Subjects, Rich and Poor, without having Regard to any Person. You shall not take by your self, or any other Person, any Gift or Reward of Gold, Silver, or any other Thing (except Meat and Drink, and that but of small Value.) You shall not take any Fees, or other Gratuity, of any Person, great or small, except such Salary as shall be by Law appointed. You shall not maintain by your self, or any other, privily or openly, any Plea or Quarrel hanging in any of the Queen's Courts. You shall not delay any Person of common Right for the Letters of the Queen, her Governor of this Country, or of any other Person, nor for any other Cause; and in case any Letter come to you contrary to the Law, you shall nothing do for such Letter, but you shall proceed to do the Law of the said Letters. Notwithstanding, and lastly, in all things belonging to your said Office, during your Continuance therein, you shall faithfully, justly, and truly, according to the best of your Skill and Judgment, do equal and impartial Justice without Fraud:*

So help you God.

The

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The Oath of a Judge of the General Court in Chancery.

YOU shall Swear, That well and truly you will serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia *in Chancery, and that you will do equal Right to all manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of* Virginia, *without Favour, Affection, or Partiality:*

So help you God.

And for the more easie and regular Prosecution and Determination of all Suits and Actions in the General Court, Be it Enacted by the Authority aforesaid, That all Original Process [either by Writ, Summons, or any other Manner or Means to bring any Person or Persons whatsoever to answer any Action, Suit, Information, Bill or Plaint in the General Court] and all Executions, and all Attachments awarded by the General Court at the Common Law, and all manner of *Subpœna's*, Attachments, and other Process in Chancery, and all and every other Process whatsoever, regularly and legally belonging or appertaining to, or for or concerning any Cause, Suit, Matter or Thing depending, or to be depending or prosecuted in the General Court, shall be issued from the Secretary's Office, signed by the Clerk of the General Court, and shall also be again returned into the same Office, and Offices whence the same were issued.

And be it further Enacted, That if any Action, Suit, Bill, Plaint, Information, or any other Thing, shall be commenced, brought, had or made against any Person, being a Member of her Majesty's Council of State within this Colony and Dominion, then instead of any other Process, which might be legally taken in like case against any other Person, the Clerk of the General Court shall issue a Summons to the Sheriff of the County, where such Councillor usually resides, reciting the Matter or Cause charged against him, and summoning him to appear and answer the same upon such a certain Day of the General Court, as shall be therein mentioned; and if the said Councillor shall not appear at the Day, according to the said Summons, then it shall be lawful for the Court to issue an Attachment against the Estate of every such Councillor so failing to appear, and thereafter the Proceedings in such Cases shall be in the same Manner, as upon the Sheriff's returning *Non est inventus* on any Ordinary Process. And for the Prosecution of any Action, Suit, Bill, Plaint, Information, or any other Thing of the like Nature, against the Sheriff of any County, the like Process shall be issued by the Clerk of the General Court to the Coroner of the County, where the Sheriff resides, and thereupon the like Proceedings shall be had against such Sheriff in the same Manner, as is before directed concerning the Members of the Council.

And be it further Enacted, That the Clerk of the General Court shall not issue Writs, *Subpœna's*, or any other Original Process, for more than Twelve Suits or Actions, returnable to any one Day of the General Court; neither shall he issue such Process, returnable to any Day, except there shall have theretofore issued Process for Twelve Suits or Actions, returnable to every preceding Day of that General Court.

And be it further Enacted, That all Process whatsoever, returnable to the General Court, shall be executed at least Ten Days before the Day mentioned therein for the Return thereof; and if any Process shall be delivered to any Sheriff, or other Officer, so late, that he cannot execute the same Ten Days before the Day of the Return, then it shall not be lawful for such Sheriff, or other Officer, to execute the same, but he shall make Return thereupon according

A.D. 1705. cording to the Truth of the Case: And if any Person takes out any Original Process, whilst the General Court is sitting, or within Ten Days before the Beginning of any General Court, such Process shall be made returnable to the next General Court after that then sitting, or beginning within Ten Days, as aforesaid, and not otherwise; and all such Process issued and made returnable otherwise than is herein directed, shall be, to all Intents and Purposes, null and void.

PROVIDED always, That nothing herein contained shall be construed, deemed or taken to extend to the Disabling or Incapacitating any Judge or Justice of the General Court, or any Justice of the Peace, or other Officer, having lawful Authority for the same, to apprehend, or cause to be apprehended, any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or any other criminal Offender, but that all and every such Offender or Offenders shall and may be bound over to appear at the General Court, in like manner, as heretofore hath or might have been lawfully practised according to the Laws of *England*.

PROVIDED also, That nothing herein shall be construed to invalidate or vitiate any Writ, Process, Warrant, or other Mandate or Precept, which shall be issued, made or given by any One or more of the Judges or Justices of the General Court, returnable to the General Court.

PROVIDED also, That nothing herein contained shall be construed to prohibit the Clerk of the General Court from issuing Process for any more than Twelve Actions, Suits or Prosecutions, on her Majesty's Behalf, returnable to the Fourth Day of the General Court, but that it shall and may be lawful to and for her Majesty's Attorney General for the time being, or any other Person prosecuting on her Majesty's Behalf, to take Process for any Treason, Murder, Felony, Piracy, Breach of the Peace, Misdemeanour, or Contempt, returnable to the Fourth Day of the General Court, although there shall be theretofore issued Process for Twelve or more Actions, Suits or Prosecutions, returnable to the same Day; any thing herein contained to the contrary in any wise notwithstanding.

AND because many Controversies may arise concerning the Manner of Accounting any Number of Days, that is hereby, or in any other Act of Assembly hereafter, shall be set for issuing, serving, or returning of Process, for filing Declarations, or other Matters or Things of the like Nature: Therefore be it Enacted by the Authority aforesaid, That in all Cases, where there is or shall be a certain Number of Days appointed, either for issuing, executing, or returning of Process, filing Declarations or Pleas, or for any other Matter or Thing whatsoever, such Number of Days shall be accounted by Natural Days, exclusive of the Days of issuing, executing, and returning of such Process, and so in like Manner for all other Cases.

AND be it further Enacted by the Authority aforesaid, That upon the issuing of Process to any Sheriff for attaching the Body of any one or more Person or Persons, to answer any Suit, Action, Complaint, or Information, if such Sheriff, upon the Execution of the Process, shall return Bail by him taken for the Appearance of such Person or Persons so attached, and the said Person or Persons shall fail to appear accordingly, then Judgment shall be given against such Bail, for what shall appear to be justly due to the Plaintiff or Prosecutor, at the next Court, on Condition, that if such Person or Persons, so attached, as aforesaid, shall make his, her, or their Personal Appearance at the next Court after such Judgment shall be given against the Bail, as aforesaid, then the Bail shall be discharged; otherwise the Bail shall have the same Liberty of defending himself, that the principal Defendant might have had, if he had appeared, and then the Judgment shall be confirmed against the Bail, for what shall appear due to the Plaintiff or Prosecutor; and if the Sheriff, upon the Execution of the Process, shall not return any Bail, and the Defendant shall fail to appear, then Judgment shall be given against the Sheriff, in the same Manner,

ner, and with the same Condition, that is before expressed against the Bail; and in case the Person or Persons attached shall fail to appear at the next Court after such Judgment against the Sheriff, then the Sheriff shall have the same Liberty, and shall be liable to the like Judgment, as is before directed, for and against the Bail; and if the Sheriff depart this Life before such Judgment be confirmed against him, in such case it shall and may be lawful to confirm such Judgment, as aforesaid, against the Executors and Administrators of the said Sheriff; and if there shall not any Will be proved, or Administration of his Estate granted, then it shall be lawful to confirm the said Judgment against the Estate of the said Sheriff, and accordingly a Writ of *Fieri facias* shall and may issue, to seize and levy so much of the Goods and Chattels of the deceased Sheriff, as will satisfie the said Judgment, and every Part thereof. A.D. 1705.

PROVIDED always, That in all Cases, where the Defendant or Tenant shall fail to appear at the first Court, the Sheriff or Bail shall not take any Advantage by Imparlance, or otherwise, of the Plaintiff or Demandant, for his, her, or their not having filed any Declaration before the Day whereto the Writ was returnable, but Judgment shall be given in Manner aforesaid against the Bail or Sheriff, his Executors, Administrators, or Estate, as if the Declaration had been filed in due Time.

PROVIDED also, That after such Conditional Judgment, as aforesaid, against the Sheriff or Bail, the said Sheriff or Bail shall not be discharged by the Appearance of the Defendant or Tenant only, unless at the same time he, she, or they shall give Special Bail for the Abiding by the Award of the Court; and in case such Special Bail shall not be given, the Proceedings shall be had against the Sheriff or Bail, as aforesaid, as if the Defendant or Tenant had never appeared.

PROVIDED always, and it is hereby Enacted and Declared, That in every Case, where Judgment shall be confirmed, as aforesaid, against the Bail or Sheriff, or against his Executors or Administrators, or against his Estate, for or by reason of the Non-appearance or other Failure of the Defendant, as aforesaid, it shall and may be lawful for the Court, where such Judgment shall be so confirmed, upon the Motion of the Bail or Sheriff, or of his Executors or Administrators, or of any other Person on Behalf of them, or either of them, to order an Attachment to issue, to attach so much of the Estate of the Defendant, as shall be of Value sufficient to satisfie such Judgment, and the Costs, and all other Costs and Charges concerning the same; which Attachment shall be returnable to the next succeeding General Court, and thereupon the Estate shall by the Court be condemned for Satisfaction of the Judgment, Costs and Charges, as aforesaid, and shall cause the same to be lawfully appraised, and accordingly so much thereof, as shall be sufficient, shall be delivered to the Bail or Sheriff, or his Executors or Administrators, against whom the Judgment shall have been confirmed, as aforesaid, to his and their own proper Use, and the Remainder shall be returned to the Person from whom the same was attached.

AND be it further Enacted by the Authority aforesaid, That for the better and more regular Prosecution and Determination of all Causes in the said General Court, and for the more exact entring of the Judgments of the said Court, and for the Preservation of the Records thereof, these following Rules and Methods shall be observed, to wit;

THAT every Plaintiff or Demandant shall file his Declaration Three Days before the Day whereto the Writ is returnable; and if no Declaration is filed in that Time [but yet shall be filed before the Day of the Return] the Defendant or Tenant shall have one Imparlance of Course more than otherwise should have been allowed; and if no Declaration be filed before the Day of the Return, then the Plaintiff or Demandant shall be Nonsuit.

THAT

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THAT if the Plaintiff or Demandant fails to appear and prosecute his Suit, he shall be Nonsuit.

THAT where any Nonsuit is awarded by the Court, there shall be paid for the same (besides the Costs of Suit) in Manner following, to wit; If the Defendant or Tenant (or where there are several Defendants or Tenants, if any One of them) shall dwell Twenty Miles or less distant from the Place of holding the General Court, One hundred and fifty Pounds of Tobacco, and Five Pounds of Tobacco for every Mile above Twenty.

THAT the Defendant or Tenant shall prepare his Plea in Writing to the Declaration of the Plaintiff or Demandant.

THAT the Clerk of the Court do carefully preserve the Declarations, Pleas, and all Evidences and other Papers relating to any Cause, and that they be all filed together in the Office.

THAT in all Cases, where the Title of any Estate in Land is determined, the Pleadings shall be all in Writing, and shall be entred at large, with the Judgment thereupon, in particular Books set apart for that Purpose only.

THAT all Proceedings and Judgments in Pleas of the Crown, and other Matters relating to the Publick Revenues, be recorded in particular Books set apart for that Purpose.

THAT in all Cases, where any Fine is laid on the Justices of any County Court, or the Members of the Vestry of any Parish, one Action may be brought against them all joyntly.

THAT for Prevention of Errors in entring the Judgments of the Court, the Proceedings of every Day shall be drawn at Length by the Clerk against the next Sitting of the Court, when the same shall be read in open Court, and such Corrections as are necessary shall be made therein, and then the same shall be signed by the Secretary of this Dominion for the time being, or his Deputy; which Draughts of the Proceedings so signed, shall also be very carefully preserved amongst the Records.

AND forasmuch as in many Cases for the Trials of Matters of Fact in the said General Court, it may be necessary to examine several Witnesses, that the Truth in such Cases may be the better known: Therefore be it Enacted by the Authority aforesaid, That the following Orders, Rules and Methods for the Summoning, Examination, and taking Affidavits of Witnesses in all Cases depending in the said Court, and every of them, be observed and put in Practice, hereafter mentioned, to wit;

THAT in all Cases, where Witnesses are to appear at the General Court, a Summons shall be issued for the same by the Clerk of the General Court for the time being, expresly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit, wherein they are to give Evidence, and at whose Request they are summoned.

THAT if any Witness, by Sickness, Age, or other lawful Disability, be incapable of attending to give his or her Evidence according to such Summons, then every Person so incapacitated, shall procure a Certificate of such Disability, under the Hand at least of One Justice of the Peace of the *Quorum*, in the

the County where he or ſhe reſides; and in ſuch caſe the Judges or Juſtices of the Court, where ſuch Suit is depending, or any Two of them, ſhall or may, by One or more Commiſſion or Commiſſions, from time to time, as Need ſhall require, impower ſuch and as many Perſons, as they ſhall think fit and neceſſary, in any County within this Dominion, to take and receive all and every the Affidavit and Affidavits of any Perſon or Perſons, ſo diſabled as aforeſaid, and procuring a Certificate in Manner as is before directed.

PROVIDED always, That the Party praying for and obtaining ſuch Commiſſion or Commiſſions, for taking or receiving any Affidavit or Affidavits, as aforeſaid, ſhall make known unto the other Party, againſt whom the ſame are to be taken, the Time and Place of the Execution of every ſuch Commiſſion, at leaſt Ten Days before the Day appointed for ſuch Execution; and all Affidavits otherwiſe taken, than is herein directed, ſhall be, to all Intents and Purpoſes, Null and Void.

THAT if any Perſon whatſoever ſhall be ſummoned as a Witneſs, and upon his or her Appearance in the General Court, or before the Perſons appointed to take Affidavits, as aforeſaid, ſhall refuſe to give Evidence upon Oath, when thereto lawfully required, then ſuch Perſon ſo refuſing, ſhall immediately thereupon be committed to the Common Goal, there to remain without Bail or Mainprize, until he or ſhe ſhall be willing to give Evidence upon Oath, in ſuch Manner as the Law now doth, or at any time hereafter ſhall direct.

PROVIDED always, That the People, commonly called *Quakers*, ſhall have the ſame Liberty of giving their Evidence by way of Solemn Affirmation and Declaration, as is preſcribed by one Act of Parliament, *Septimo & Octavo Gulielmi Tertii Regis*, Intituled, *An Act that the Solemn Affirmation and Declaration of the People called* Quakers, *ſhall be accepted inſtead of an Oath in the uſual Form*; which ſaid Act of Parliament, for ſo much thereof as relates to ſuch Affirmation and Declaration, and for the Time of its Continuance in Force, and not otherwiſe, ſhall be, to all Intents and Purpoſes, in full Force within this Dominion: That Popiſh Recuſants Convict, Negroes, Mulattoes, and *Indian* Servants, and others, not being Chriſtians, ſhall be deemed and taken to be Perſons incapable in Law to be Witneſſes in any Caſes whatſoever.

THAT if any Perſon ſhall be ſummoned to attend at the General Court as a Witneſs, and ſhall fail of attending according to the Summons, for every ſuch Failure he or ſhe, who ſhall be guilty thereof, ſhall forfeit and pay, to the Party aggrieved, One thouſand Pounds of good Tobacco; to be recovered, with Coſts, by Action of Debt in any Court of Record within this Dominion.

PROVIDED always, That if at the Time ſuch Perſon ſo ſummoned ought to have appeared to have given Evidence, ſufficient Cauſe be ſhewn of his or her Incapacity to attend, then no Forfeiture or Penalty ſhall be incurred by ſuch Failure; but if ſufficient Cauſe be not ſhewn at the next ſucceeding Court after ſuch Failure, then, upon the Motion of the Party aggrieved, it ſhall be lawful for the ſaid Court to grant Judgment for the Forfeiture aforementioned againſt the Perſon or Perſons ſo ſummoned and failing to appear, as aforeſaid.

THAT upon the Commitment of any Perſon or Perſons for any Capital or Criminal Offence or Offences, the Magiſtrate or Magiſtrates making ſuch Commitment, ſhall cauſe all the Witneſſes of the Fact, that ſhall come to his or their Knowledge, to enter into Recognizances for their and every of their Appearance, to give Evidence *viva voce* upon the Trial of ſuch Offender or Offenders, and every of them.

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THAT, during the Attendance of any Person summoned as a Witness at the General Court, and as the said Person shall be going to, and returning from the Place of such Attendance (allowing One Natural Day for every Twenty Miles such Person's Residence shall be distant from the same) no Person or Persons whatsoever shall serve or execute, or cause to be served or executed, upon any Person so attending, going to, or returning from such Place of Attendance, as aforesaid, any Writ, Process, Warrant, Order, Judgment, or Decree; and if any such be served or executed contrary to this Act, the same shall be void to all Intents and Purposes whatsoever.

THAT for every Mile any Person shall travel, either in going to, or returning from the Place where he or she shall be summoned to appear as a Witness, there shall be paid to him or her, by the Person or Persons at whose Suit the Summons issued, One Pound of Tobacco and an half *per* Mile, together with the necessary Charges of Ferriage, in going and returning, and Sixty Pounds of Tobacco *per* Day for every Day's Attendance, from the Time appointed for the Appearance of such Witnesses, until the Time they shall be discharged.

THAT in any Bill of Costs there shall not be allowed the Charge of above Three Witnesses to the Proof of any One particular Matter of Fact.

AND to the Intent that erroneous Proceedings and Judgments of the other her Majesty's Courts within this Dominion may be corrected and amended with as much Expedition, and with as little Charge to the Parties concerned, as may be: Therefore be it Enacted by the Authority aforesaid, That if any Person or Persons, Bodies Politick or Corporate, shall at any time hereafter take him, her, or themselves to be aggrieved, contrary to Law and Justice, by the Judgment, Decree, or Sentence of any other Court within this Dominion, of what Nature or Value soever the Cause shall be, then and in such case it shall and may be lawful to and for such Person or Persons, Bodies Politick and Corporate, and every of them so aggrieved, to enter an Appeal from any such Judgment, Decree, or Sentence to the said General Court; upon which said Appeals it shall be lawful to and for the Parties appealing, to assign and shew forth the Errors of the Judgment, and Proceedings of the Court, from whence they appealed, in Manner as is hereafter expressed, and not otherwise, that is to say; Upon an Appeal in any Personal Action, where the Judgment, Decree, or Sentence of the Court appealed from, shall be for any Sum not exceeding Twenty Pounds Sterling, or Four thousand Pounds of Tobacco, the Appellant or Appellants, in his or their Declaration or Bill of Errors exhibited in the General Court, shall not be permitted to assign any Error to reverse the Judgment, Decree, or Sentence of any Court, other than Errors in Matter of Right; and if upon hearing the Cause in the General Court, such Judgment, Decree, or Sentence shall appear to be rightly and justly given, the same shall be affirmed, notwithstanding any Mispleading or other Error in the Form of the Proceedings whatsoever. And upon an Appeal in any Personal Action, where the Judgment, Decree, or Sentence appealed from, shall be for any Sum not under Twenty Pounds Sterling, or Four thousand Pounds of Tobacco, nor above Fifty Pounds Sterling, or Ten thousand Pounds of Tobacco, the Appellant or Appellants, in his or their Declaration, or Bill of Errors exhibited in the General Court, shall not be permitted to assign any Error to reverse the Judgment, Decree, or Sentence of any Court, other than Errors in Matter of Right, and such Errors in the Form or Manner of the Proceedings, as were insisted upon in the Court from whence the Appeal shall be made; and if, upon the hearing of the Cause in the General Court, the Judgment, Decree

cree, or Sentence appealed from, appears to be justly made in point of Right, and that the Errors assigned in the Manner of the Proceedings, shall not be sufficient to reverse the same, then such Judgment, Decree, or Sentence shall be affirmed in the General Court, notwithstanding any other Errors, which may be assigned in the Formality of the Proceedings. And upon Appeals from any Judgment, Decree, or Sentence in Personal Actions, Suits in Chancery, Informations, or other Controversies of greater Value than Fifty Pounds Sterling, or Ten thousand Pounds of Tobacco, and in all Real Actions, of what Value soever, it shall and may be lawful to and for the Appellant or Appellants to assign Errors, either of Form or Substance, in like Manner as is permitted by the Laws of *England* in the Prosecution upon Writs of Error.

And be it further Enacted by the Authority aforesaid, That upon an Appeal in any Personal Action, if the Judgment, Decree, or Sentence appealed from be affirmed in the General Court, then the Appellant or Appellants shall pay unto the Appellee or Appellees (besides the principal Sum and Costs expressed in such Judgment, Decree, or Sentence) Fifteen *per Cent.* Damage upon the principal Debt, or the Sum recovered for Damage, and upon the Costs of Suit in the Court, from whence such Appeal shall be made. And upon any Appeal in any Real Action, if the Judgment, Decree, or Sentence appealed from, shall be affirmed in the General Court, then the Appellant or Appellants shall pay unto the Appellee or Appellees, in lieu of the Fifteen *per Cent.* aforesaid, the Sum of Two thousand Pounds of Tobacco Damage, over and above what shall be contained and expressed in the Judgment, Decree, or Sentence, from whence such Appeal shall be made.

And for the more regular Hearing and Determining of such Appeals, as shall be made from the several County Courts unto the General Court, Be it Enacted by the Authority aforesaid, That all Appeals from the County Courts of *Henrico*, *Prince George*, *Surrey*, Isle of *Wight*, *Nanzemond*, *Norfolk*, and *Princess Anne*, shall be made to the Sixth Day of the next succeeding General Court after such Appeals respectively. And that all Appeals from the County Courts of *James-City*, *Charles-City*, *York*, *New-Kent*, *Warwick*, and *Elizabeth-City*, shall be made to the Seventh Day of the next succeeding General Courts after such Appeals respectively. And that all Appeals from the County Courts of *Gloucester*, *King William*, *King and Queen*, *Middlesex*, and *Essex*, shall be made to the Eighth Day of the next succeeding General Court after such Appeals respectively. And that all Appeals from the County Courts of *Richmond*, *Westmorland*, *Northumberland*, *Stafford*, and *Lancaster*, shall be made to the Ninth Day of the next succeeding General Court after such Appeals respectively. And that all Appeals from the County Courts of *Accomack* and *Northampton*, shall be made to the Tenth Day of the next succeeding General Court after such Appeals respectively; and that no Appeals from any County Courts be admitted to any other Day of the General Court, than what is herein expressed and directed.

And be it Enacted by the Authority aforesaid, That upon *Supersedeas* brought to the General Court to reverse any Judgment, Decree, or Sentence, given in any of the County Courts of this Dominion, the Proceedings shall be in the same Manner, as before directed for Appeals, and the like Damages awarded, in case the Judgment, Decree, or Sentence of the County Court be affirmed.

And forasmuch as several Fines and Forfeitures, by this and several other Acts, are or may be directed to be recovered in any Court of Record in this Dominion; for the better Explanation thereof, Be it Enacted by the Authority aforesaid, That the General Court of this Dominion, and the Courts held before the Justices of the Peace in the several respective Counties, commonly called The County Courts, shall be deemed and taken, and are hereby declared to be the only Courts of Record of or in this Dominion, and that no other Court or Courts whatsoever shall be construed, deemed, or taken to be such.

And

A.D. 1705. AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Establishing the General Court, or to the Regulating or Settling the Proceedings therein, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No. 20. *An Act for Inlarging the Power of the Sheriff attending the General Court, and of the Constables of* Bruton *Parish.*

WHereas the City of *Williamsburgh* is so placed, that Persons may easily evade being summoned to attend the General Court as Grand Jurors, Jurors, and Evidences, or to be taken upon any Precept of the said Court, unless the Power of the Sheriff, and his Officers attending the said Court, be inlarged: Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the Sheriff, and his Deputies and Bailiffs, which shall attend the General Court, and every of them, be impowered, and they, and every of them, are hereby impowered, during the Sitting of the General Court, to summon Grand Jurors, Jurors, and Evidences, and to execute other the Commands of the General Court in all and every Part of the City of *Williamsburgh*, and half a Mile Compass from the same, and to make Return thereof; which Return shall be sufficient for the General Court to proceed thereon.

AND be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Constables of *Bruton* Parish, appointed or to be appointed by the Courts of the Counties of *James-City* or *York* respectively, to do and execute all Matters and Things appertaining to the Office of a Constable, within any Part of the City of *Williamsburgh*, and half a Mile Compass from the same.

AND be it Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No. 21. Repeal'd, 1707. *An Act concerning the Granting, Seating, and Planting, and for Settling the Titles and Bounds of Lands, and for Preventing unlawful Shooting and Ranging thereupon.*

An

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Nº 22.

An Act declaring the Negro, Mulatto, and Indian *Slaves within this Dominion to be Real Estate.*

FOR the better Settling and Preservation of Estates within this Dominion, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the Passing of this Act, all Negro, Mulatto, and *Indian* Slaves, in all Courts of Judicature, and other Places within this Dominion, shall be held, taken and adjudged to be Real Estate (and not Chattels) and shall descend unto the Heirs and Widows of Persons departing this Life, according to the Manner and Custom of Land of Inheritance held in Fee-Simple.

PROVIDED always, That nothing in this Act contained shall be taken to extend to any Merchant or Factor bringing any Slaves into this Dominion, or having any Consignments thereof unto them, for Sale, but that such Slaves, whilst they remain unsold in the Possession of such Merchant or Factor, or of their Executors, Administrators or Assigns, shall, to all Intents and Purposes, be taken, held and adjudged to be Personal Estate, in the same Condition they should have been in, if this Act had never been made.

PROVIDED also, That all such Slaves shall be liable to the Payment of Debts, and may be taken by Execution for that End, as other Chattels or Personal Estate may be.

PROVIDED also, That no such Slaves shall be liable to be escheated, by reason of the Decease of the Proprietor of the same, without lawful Heirs; but all such Slaves shall, in that Case, be accounted and go as Chattels and other Estate Personal.

PROVIDED also, That no Person, selling or alienating any such Slave, shall be obliged to cause such Sale or Alienation to be recorded, as is required by Law to be done upon the Alienation of other Real Estate, but that the said Sale or Alienation may be made in the same Manner, as might have been done before the making of this Act.

PROVIDED also, That this Act, or any Thing therein contained, shall not extend, nor be construed to extend, to give any Person, being Owner of any Slave or Slaves, and not seized of other Real Estate, the Right or Privilege as a Freeholder, meant, mentioned and intended by one Act of this present Session of Assembly, Intituled, *An Act for Regulating the Elections of Burgesses, for Settling their Privileges, and for Ascertaining their Allowances.*

PROVIDED also, That it shall and may be lawful for any Person to sue for and recover any Slave, or Damage for the Detainer, Trover, or Conversion thereof, by Action Personal, as might have been done if this Act had never been made.

PROVIDED always, That where the Nature of the Case shall require it, any Writ *de partitione facienda*, or of Dower, may be sued forth and prosecuted, to recover the Right and Possession of any such Slave or Slaves.

PROVIDED, and be it Enacted, That when any Person dies Intestate, leaving several Children, in that Case all the Slaves of such Person (except the Widow's Dower, which is to be first set apart) shall be inventoried and appraised, and the Value thereof shall be equally divided amongst all the said Children; and the several Proportions, according to such Valuation and Appraisement, shall be paid by the Heir (to whom the said Slaves shall descend by Virtue of this Act) unto all and every the other said Children, and thereupon it shall and may be lawful for the said other Children, and every of them, and their Executors or Administrators, as the Case shall be, to commence and prosecute an Action upon the Case at the Common Law against such Heir, his Heirs, Executors and Administrators, for the Recovery of their said several Proportions respectively.

A.D. 1705. And be it further Enacted by the Authority aforesaid, That if any Widow, seized of any such Slave or Slaves, as aforesaid, as of the Dower of her Husband, shall send, or voluntarily permit to be sent, out of this Colony and Dominion, such Slave or Slaves, or any of their Increase, without the lawful Consent of him or her in Reversion, such Widow shall forfeit all and every such Slave or Slaves, and all other the Dower which she holds of the Endowment of her Husband's Estate, unto the Person or Persons that shall have the Reversion thereof; any Law, Custom or Usage to the contrary notwithstanding. And if any Widow, seized as aforesaid, shall be married to an Husband, who shall send, or voluntarily permit to be sent, out of this Colony and Dominion, any such Slave or Slaves, or any of their Increase, without the Consent of him or her in Reversion, in such Case it shall be lawful for him or her in Reversion, to enter into, possess and enjoy all the Estate which such Husband holdeth in Right of his Wife's Dower, for and during the Life of the said Husband.

N° 23. Repeal'd, 1723.

An Act for Settling the Militia.

N° 24.

An Act directing the Duty of Surveyors of Land, and Ascertaining their Fees.

Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all such, as are Surveyors of Land within any County of this her Majesty's Colony and Dominion of *Virginia*, shall, within Three Months after the Publication of this Act; and all such, as shall hereafter be made Surveyors of Land within any County of this her Majesty's said Colony and Dominion, shall, before their Entrance upon the Execution of such Trust or Office, take a solemn Oath before the Court of that County, whereto they shall be appointed Surveyors, for their true and faithful Execution and Discharge, to the best of their Knowledge and Power, of their said Trust, Office and Employment: And the several County Courts, that now are, or hereafter shall be, within this her Majesty's said Colony and Dominion, are hereby authorized to administer such Oath and Oaths, as aforesaid, and to cause a Record thereof to be made.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Surveyor, upon reasonable Notice to him given, shall refuse to survey and lay out any Land for any Person requiring the same in a lawful Manner, and which may lawfully be done, he shall forfeit and pay Four thousand Pounds of Tobacco; one Half to the Queen's Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Party grieved, if he will inform and sue for the same.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That each Surveyor, when he makes a Survey of any Land, shall see that the Land so by him surveyed be plainly bounded, either by Natural Bounds, or by marking Trees, or making other Artificial Boundaries, and shall, within

in Six Months after Survey, give to his Employer a Survey and Plot of the said Land, so by him surveyed and laid out; for all which Services, and for keeping a fair Book, both of the Survey and Plot, bound either in Vellom or Leather, and made of large *Dutch* Paper Royal, each Book to contain about Two Quires in Bigness, it shall be lawful for him to demand, receive and take, after the Rates herein set down; that is to say, For every Survey so made, plotted and entred, if the same contain no more than One thousand Acres of Land, Five hundred Pounds of Tobacco; and if above One thousand Acres of Land, then for every hundred Acres of Land therein contained, over and above the said One thousand Acres, and besides the said Five hundred Pounds of Tobacco, Thirty Pounds of Tobacco, and no more: And if any Surveyor shall demand and take any greater Fee for surveying, as aforesaid, than in and by this Act is allowed and set down, he shall forfeit and pay, for every such Offence, Two thousand Pounds of Tobacco; one Half whereof to be to her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof, and the other Half to the Informer. A.D. 1705.

PROVIDED nevertheless, That if at any time it shall happen, that in Differences concerning adjacent Lands, or other Claim whatsoever, the Surveyor be stopped and hindred from finishing his said Survey, it shall be lawful for him notwithstanding, to demand and take Two hundred and fifty Pounds of Tobacco for his Trouble and Progress so made in the said Survey.

AND for the better Enabling all Surveyors to be exact in their Surveys, Be it Enacted, That no Surveyor shall make any Survey of Land without Chain Carriers sworn to measure justly and exactly, according to the best of their Knowledge, and to deliver their Account thereof truly to the Surveyor; which Oath every Surveyor in his several District is hereby authorized and impowered to administer accordingly.

AND be it further Enacted, That upon any Entries hereafter legally made for unpossessed Land, where the Surveyor cannot, at the time of Entry made, attend to survey, such Entry shall stand good until such Surveyor shall give Notice of his being ready to go upon the Survey thereof; and if such Party claiming by such Entry, his Heirs or Assigns, shall not, within One Month of such Notice given him, attend the Surveyor with all Necessaries for making such Survey, and give him timely Warning thereof, every such Entry shall be void, as if the same had never been made.

AND for Prevention of hasty and surreptitious Grants upon Surveys, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That no Surveyor, within Six Months after Survey made, give a Copy of the said Survey or Plot, other than to the Person that first in lawful Manner employed him to make the said Survey, upon Pain of forfeiting and paying to the Party injured, his Executors or Administrators, Five hundred Pounds of Tobacco for every Hundred Acres of Land the said Survey shall contain.

AND because the Quiet of our Estates in a great measure depends upon the Faithfulness, Understanding and Care of our Surveyors, and the fair and regular keeping of their Proceedings, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That each Surveyor, that now is, shall immediately upon the Publication of this Act, and every Surveyor hereafter to be appointed, shall immediately, upon his entring into the said Office of Surveyor, apply himself to the County Court (who are hereby authorized to levy the Charge thereof upon the County) for such a Book, as is herein before-mentioned for the entring of Surveys and Plots, and shall fairly enter and plot, or cause to be fairly entred and plotted, all the Surveys that he shall make during his Continuance in the said Office of Surveyor, within Two Months after every such Survey made, with Indications in the Plots of all Rivers, Creeks and Branches, that he shall cross in his Courses, and also of the Boundaries and adjacent Plantations, *&c.* that he shall meet with, and also shall annually, in

the

A.D. 1705. the Month of *June*, return to the County Court Clerk's Office, to be by him recorded, a true and perfect List of all Surveys by him made in that County, *viz.* for whom, what Quantity of Land, and the Place or Parish where it lies, upon Pain of forfeiting, for every Default in any of the Premisses, Two thousand Pounds of Tobacco; one Half to the Queen, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof, and the other Half to the Informer.

And also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the County Court, at any time when they shall think fit, either of their own Motion, or upon the Complaint or Suggestion of any other Person, may, and hereby have full Power and Authority, to appoint Two or more understanding Persons of their County, to view and examine the Surveyor's Book of the County Surveys and Plots, and to make Report thereof to them, whether it be kept in all Things according to this Act.

And also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That upon the Death or Removal of any Surveyor from his Place and Office, the said County Court, by their Order, shall have, and hereby have full Power and Authority to retake the Surveyor's said Book, and either cause the same to be preserved among the County Records; or, if there shall be much Blank Paper in it, let the same to the next Surveyor, at their Discretion, for his County Book also, to enter his Surveys and Plots in. But where it shall so happen, that the same is let to the next Surveyor, the County Court shall always, before the Doing thereof, take the said Surveyor's Oath, to preserve the said Book with the best of his Care, and under his own Lock and Key, and not to alter or suffer any Thing to be altered therein, of what was done before his Time of Surveyorship.

Provided always, and it is hereby Enacted, That any Thing herein before recited shall not extend, nor be construed to extend, to the Surveyor's Fee, for Lots taken up, or to be taken up, in any City, Town, Port, or Publick Landing, or Place laid out, or hereafter to be laid out, for any City, Town, Port, or Publick Landing; but that it shall be sufficient for the Surveyor, having once entred the whole Plot of such City, Town, Port, or Publick Landing, in the Book, to keep a Note of the Person's Name, that shall take up any Lot in any such City, Town, Port, or Publick Landing, with the Number of the Lot therewith, and for so doing and laying out one Lot, or renewing the Bounds of one Lot, and so for each Lot laid out or renewed, shall have and receive Twenty Pounds of Tobacco, and no more; any Thing before in this Act contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That all Penalties and Forfeitures, which shall be incurred by Virtue of this Act, shall and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An

A.D. 1705.

An Act to prevent Indians Hunting and Ranging upon Patented Lands. Nº 25.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any Person whatsoever shall, after the Publication of this Act, entertain or employ any *Tuscarora* or other *Indian*, not being a Servant or Slave, to hunt or kill Deer, or furnish them with Guns, Powder, or Shot, to hunt, as aforesaid, upon any Lands now patented, or that shall hereafter be patented, and belong to any of her Majesty's Subjects within this her Majesty's Colony and Dominion of *Virginia*, he, she, or they so employing any *Tuscarora* or other *Indian*, as aforesaid, shall forfeit and pay to the Person or Persons, upon whose Land such *Indian* shall be found to hunt, as aforesaid, the Sum of One thousand Pounds of Tobacco; to be recovered, with Costs, by Action of Debt in any Court of Record within this Colony and Dominion; any Law, Custom or Usage to the contrary in any wise notwithstanding. And moreover, when any Person shall find any such *Indian* Shooting, Ranging, or Hunting upon his Land contrary to this Act, it shall be lawful for such Person to take away the Gun, Powder, and Shot, which he shall find upon such *Indian*, and to keep and convert the same to his own Use; and upon any Complaint made, or Suit brought against any Person for such taking and keeping of the Gun, Powder, and Shot, as aforesaid, it shall be lawful for the Defendant to plead the General Issue, Not Guilty, and to give the Special Matter in Evidence, and the Defendant shall be admitted to declare the Truth upon his own Oath, which shall be taken as Evidence in that Case; any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

PROVIDED nevertheless, That nothing in this Act contained shall be construed to extend to the *Pamumkey* or *Chickahominy Indians*, or to the *Indians* on the Eastern Shore, Hunting or Ranging as heretofore they have been accustomed to do.

AND be it Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act for raising a Publick Revenue for the better Support of the Government of this her Majesty's Colony and Dominion of Virginia; *and for ascertaining the Salary of the Council.* Nº 26. Repeal'd, 1707-8.

A.D. 1705.

Nº 27. *An Act for preventing Frauds in the Customs, and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to probibit and prevent the casting of Ballast and dead Bodies into Rivers and Creeks.*

FOR the better Prevention of Frauds by Concealments, or any other Ways or Means, which may be made use of to evade due Clearing of Ships and Vessels, and the Payment of the Customs, Duties or Impositions laid upon Tobaccoes, Skins, Furs, or any other Goods or Merchandizes whatsoever, to be exported out of this Colony and Dominion; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the Master of every Ship or Vessel, coming into this her Majesty's Colony and Dominion for Trade, or which being here, is designed to take on Board and lade any Tobaccoes, Skins, Furs, or other Goods or Merchandizes whatsoever, in order to export and carry the same out of this Colony and Dominion, at his Entry, and before he be permitted to break Bulk and trade, or to lade and take on Board any Goods or Merchandizes whatsoever, shall give Bond, with One Surety, to the Queen's Majesty, her Heirs and Successors, that he will not depart with his said Ship or Vessel from the District or Port where she is entred, until Payment be made of the several Customs, Duties, Impositions and Fees accruing due from the said Ship or Vessel, or for or by reason of any Tobaccoes, Skins, Furs, or other Goods and Merchandizes, shipped and laden in her, nor until the said Ship or Vessel be duly cleared by the Collector and Naval Officer of the said District or Port.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if the Ship or Vessel be under Fifty Tuns, the said Bond shall be for Fifty Pounds; if Fifty Tuns, or above Fifty Tuns, and under One hundred Tuns, for One hundred Pounds, and if One hundred Tuns, or above One hundred Tuns, for Two hundred Pounds; and shall be delivered back, upon due Clearing, with the Officers aforesaid, but wholly forfeited, without any Relief in Equity, in case the Condition thereof be broken.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the Master of every Ship or Vessel, upon Clearing, shall make Oath before the Officer with whom he clears; which Oath the said Officer is hereby impowered and required to administer, what Tobaccoes, Skins, Furs, or other Goods or Merchandizes, are then shipped and laden on Board his said Ship or Vessel, and that he will not afterwards lade or take on Board his said Ship or Vessel any more Tobaccoes, Skins, Furs, or other Goods or Merchandizes whatsoever (for which any Custom, Duty or Imposition is to be paid, or which the Law requires to be entred) without a lawful Permit for his so doing from an Officer of the District or Port wherein the said Tobaccoes, Skins, Furs, Goods or Merchandizes are to be so laden and taken in.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted and Declared, That the Customs, Duties or Impositions, accruing due for any Tobaccoes, Skins, Furs, or other Goods or Merchandizes whatsoever, which shall hereafter be shipped or laden on Board any Ship or Vessel, in order to be exported out of this Colony and Dominion, shall be answered and paid to the Collector or Receiver of the said Customs, Duties or Impositions in the District or Port where the said Ship or Vessel shall happen to ride, when the said Tobaccoes, Skins, Furs, Goods or Merchandizes are laden and taken in, and to no other Collector or Receiver whatsoever, notwithstanding the same be brought thither from another District or Port.

AND

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That, upon any Suspicion of Fraud or Concealment, or that the Master of any Ship or Vessel doth make a false Report of his Lading, it shall and may be lawful for the Naval Officer and Collector of the District or Port, or either of them, for Discovery of the said Fraud or Concealment, and for the better finding out the Truth of the Matter, to examine upon Oath the Mate, Boatswain, or any other of the Seamen belonging to the said Ship or Vessel, as also any other Person or Persons whatsoever concerning the Lading of the said Ship or Vessel, as to the said Collector and Naval Officer, or either of them, shall seem fit and convenient. A.D. 1705.

AND be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Collector's Fees shall be, as followeth; that is to say,

	l.	s.	d.
FOR Entring and Clearing any Ship or Vessel of Fifty Tuns, or under (all Vessels transporting Goods or Commodities from one District to another excepted) and all Fees thereunto incident,	—	10	—
For Entring and Clearing any Ship or Vessel above Fifty Tuns, and under One hundred Tuns, and all Fees thereunto incident,	—	15	—
For Entring and Clearing any Ship or Vessel of One hundred Tuns, or above, and all Fees thereunto Incident,	1	5	—
For taking a Plantation Bond, pursuant to the Act of Trade and Navigation,	—	2	6
For a Certificate of Duties paid upon Goods shipped to the Plantations,	—	2	6

And that the Naval Officer's Fees shall be, as followeth; that is to say,

	l.	s.	d.
FOR Entring and Clearing any Ship or Vessel of Fifty Tuns or under, excepting as is before excepted,	—	7	6
For Entring and Clearing any Ship or Vessel above Fifty Tuns, and under One hundred Tuns,	—	10	—
For Entring and Clearing any Ship or Vessel of One hundred Tuns, or above,	1	5	—
For taking a Bond,	—	2	6
For a Permit to trade,	—	2	6
For every Loading Cocquet here,	—	—	6
When Ports for Import and Export shall be established, and in the mean time for a Permit to load a Ship or Vessel for Exportation,	—	2	6
For a Certificate for all Imported Goods, that shall be removed out of one District or River into another, after they are once landed, until Ports shall be established, to be paid to the Officer of the District from whence the said Goods are brought,	—	2	6

That the Naval Officers and Collectors, for any the Services before-mentioned, shall charge no more than half of the Fees aforesaid, for any Ship or Vessel wholly belonging to the Inhabitants of this Country.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall not be lawful for any Collector or Naval Officer within this Colony and Dominion, to demand and take any Fee or Fees for any other Business, Matter or Thing, by him done and performed as Collector or Naval Officer, or as Collector or Receiver of any *Virginia* Duties, than the Particulars before enumerated in this Act, or to demand and take any greater Fee, for any of the Particulars before enumerated, than the Fee given and allowed by

A. D. 1705. by this Act for the ſame; and that if any Collector or Naval Officer ſhall offend in either of the Premiſſes, and be thereof lawfully convicted, he ſhall, for the firſt Offence, forfeit and pay the Sum of One hundred Pounds, current Money; one Moiety to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Party injured; to be recovered, with Coſts, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, Privilege, or more than one Imparlance, ſhall be admitted or allowed. And if the ſaid Collector or Naval Officer ſhall offend a ſecond Time, and be thereof lawfully convicted, he ſhall be thereby diſabled in Law, and made utterly uncapable to hold, execute, and enjoy his Place and Office of Collector or Naval Officer, or any Profits or Advantage ariſing therefrom for ever, and the ſaid Place and Office ſhall, immediately after ſuch Conviction, be void, to all Intents and Purpoſes, as if the ſaid Collector or Naval Officer had been naturally dead, and moreover, ſhall forfeit and pay to the Informer the Sum of Twenty Pounds, current Money; to be recovered, with Coſts, as aforeſaid.

AND be it further Enacted by the Authority aforeſaid; and it is hereby Enacted, That if any Perſon injured by any Collector or Naval Officer demanding and taking any Fee or Fees contrary to this Act, ſhall fail to inform againſt the ſaid Collector or Naval Officer for the ſaid Offence within Three Months after the Offence committed, it ſhall and may thereafter be lawful for any other Perſon or Perſons whatſoever to proſecute the Offender, and recover; any thing in this Act before contained to the contrary, or ſeeming to the contrary, notwithſtanding.

PROVIDED always, and be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That no Collector or Naval Officer whatſoever ſhall at any time hereafter be impeached or queſtioned for or concerning any Offence aforeſaid, unleſs ſuch Collector or Naval Officer be proſecuted within the Space of one Year next enſuing ſuch Offence committed.

AND be it further Enacted by the Authority aforeſaid; and it is hereby Enacted, That every Collector and Naval Officer within this Colony and Dominion, ſhall be, and is hereby ſtrictly enjoyned and required, within Three Months after Publication of this Act, to ſet up, or cauſe to be ſet up in his Office, a fair written Table or Copy of his Fees, according to this Act, and from time to time to continue the ſame, by ſetting up a new and freſh Table or Copy, as the Occaſion requires.

AND whereas the caſting or unlading of Stones, Gravel, or other Ballaſt into the Rivers and Creeks of this her Majeſty's Colony and Dominion, may in Time prove not only dangerous, but wholly obſtructive to the Paſſage of Ships, Sloops, Boats, and other Veſſels: For Prevention thereof, Be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That it ſhall not be lawful for the Maſter of any Ship, Sloop, Boat, or other Veſſel, or for any other Perſon or Perſons whatſoever, to caſt or unlade any Stones, Gravel, or other Ballaſt, into any River, Creek, Haven or Harbour within this Colony and Dominion, but to lay the ſame on the Land only above High-water Mark; and that if the Maſter or Owner of any Ship, Sloop, Boat, or other Veſſel, ſhall actually offend therein, or ſhall ſuffer and permit any other Perſon or Perſons under him to do it, ſuch Maſter or Owner, for every ſuch Offence, ſhall forfeit and pay the Sum of Ten Pounds, current Money; one Moiety to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform or ſue for the ſame; to be recovered, with Coſts, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager

 of

of Law, Privilege, or more than one Imparlance, shall be admitted or allowed. A. D. 1705.

And whereas it is represented to this Assembly, That the Commanders or Masters of the Ships or Vessels, which have imported Negroes into this Colony and Dominion, have caused such Negroes, as died on Board, to be cast into the Rivers or Creeks where such Ships or Vessels did then reside, to the great Annoyance of the Inhabitants adjacent: For Prevention thereof for the future, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Negro or other Person whatsoever, shall happen to die on Board any Ship or Vessel riding or being within any River or Creek within this Colony and Dominion, the Master of such Ship or Vessel shall cause the Negro or other Person so dying, to be carried on Shore, and there buried, upon Pain of forfeiting and paying, for his Neglect therein, or for suffering the said Negro or other Person to be cast into the Water, the Sum of Ten Pounds, current Money; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, Privilege, or more than one Imparlance, shall be admitted or allowed.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act for the Continuing of General Assemblies, in case of the Death or Demise of her Majesty, her Heirs or Successors; and for making valid all Acts of the Governor and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of England, *and the Notification thereof in this Country.* No. 28.

WHereas, by reason of the great Distance of this Colony and Dominion of *Virginia* from our Mother Kingdom of *England*, there may happen to be a considerable Space of Time between the Death or Demise of the King or Queen for the time being, and the Proclamation of his or her Successor in this Colony and Dominion: For preventing the many Mischiefs, Inconveniencies, and unnecessary Charges, which may happen or be occasioned by reason of such Interval; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That this present General Assembly, or any other General Assembly, which shall hereafter be summoned and called under the Authority of her Majesty Queen *Anne*, her Heirs and Successors, by the Governor, Lieutenant Governor, or Commander in chief, by and with the Advice and Consent of the Council of State of this her Majesty's Colony and Dominion, or by the President and Council for the time being, shall not determine or be dissolved by the Death or Demise of her said Majesty, her Heirs or Successors, but that such Assembly shall and is hereby Enacted to continue,

 and

A.D. 1705. and be impowered to meet, convene, and sit, according to the Writs or Summons whereby the said Assembly was or shall be convened, and to act notwithstanding such Death or Demise, for and during the Time of Six Months, and no longer, unless the same shall by such Governor, Lieutenant Governor, Commander in chief, or President and Council, be sooner prorogued or dissolved; and if the said General Assembly shall be so prorogued, then it shall meet and sit on and upon the Day unto which it shall be prorogued, and continue for the Residue of the said Time of Six Months, unless sooner prorogued or dissolved, as aforesaid.

And be it also Enacted, That all Acts, Deeds and Sentences of the Governor, Lieutenant Governor, Commander in chief, or President and Council in this Colony and Dominion for the time being, which he or they might lawfully do, sign, or pass during the Life of the King or Queen for the time being, shall be valid to all Intents and Purposes in Law, although the same happen to be acted, done, or signed after the Death of the said King or Queen, and before the said Death is by Proclamation publickly notified in this Country; as also all Acts of the Council, Judgments of all Courts, Acts of Justices of the Peace, and all other Officers, Civil and Military, within this Colony and Dominion, which they might lawfully do or pass during the Life of the King or Queen for the time being, be valid to all Intents and Purposes in Law, although the same happen to be acted after the Death of the said King or Queen, and before the Notification thereof by the Government in this Colony and Dominion; and that all Treasons, Rebellions, and all other Crimes whatsoever, committed, or which shall be committed during the said Time, shall be punishable to all Intents, as if the King or Queen had been actually alive at the Time of the committing thereof.

Provided always, and it is hereby Declared, That nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the Power of the Governor, Lieutenant Governor, or Commander in chief, or President and Council, of this Colony and Dominion for the time being here, to prorogue or dissolve this or any other General Assembly in this Dominion within the said Six Months, or at any other Time; nor to limit the Governor, Lieutenant Governor, Commander in chief, or President and Council, for the time being, in the Execution of any Instructions he or they shall receive from the succeeding King or Queen of *England*, relating to the Prorogation or Dissolution of Assemblies.

No 29. *An Act laying an Imposition upon Skins and Furs, for the better Support of the College of* William and Mary *in* Virginia.

Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That there shall be satisfied and paid to her Majesty, her Heirs and Successors, for and towards the better Support and Maintenance of the College of *William and Mary* in *Virginia*, the following Duties, Customs and Imposts, for the following Goods, Wares, and Merchandizes, which shall be exported and carried out of this her Majesty's Dominion, either by Land or Water; that is to say, For every Raw Hide Three pence, for every Tann'd Hide Six pence, for every drest Buck-skin One Penny three farthings, for every undrest Buck-skin One penny, for every Doe-skin drest One penny half-penny, for every undrest Doe-skin Three farthings, for every Pound of Beaver Three pence,

for

for every Otter-skin Two pence, for every Wild Cat-skin One penny half-penny, for every Mink-skin One penny, for every Fox-skin One penny half-penny, for every Dozen of Rackoon-skins Three pence, and so proportionably for a greater or lesser Quantity; for every Dozen of Musk Rat-skins Two pence, and so proportionably for a greater or lesser Quantity; and for every Elk-skin Four pence half-penny. *A.D.* 1705.

And be it Enacted, That the said Duties, Customs and Impost shall be paid and satisfied by the Person or Persons exporting or carrying out the same, either by Land or Water, to the Collector or Collectors which shall be appointed by the Governor or Commander in chief for the time being, with the Advice of the Council, to receive the said Duties, Customs and Impost, before the said Goods, Wares and Merchandizes shall be shipped off, exported, or carried out of and from this Dominion, either by Land or by Water, and a Certificate thereof obtained from the Collector or Collectors of the District where such Goods, Wares and Merchandizes shall be so exported or carried away, signifying the Payment and Satisfaction of such Duties, Customs and Impost, as aforesaid, under the Penalty of forfeiting such of the Goods, Wares and Merchandizes, which shall be shipped off or loaden on Board of any Boat, Sloop, Ship, or other Vessel, in order to the Exportation thereof by Water, or endeavoured to be carried out of this Country by Land; the one Moiety thereof to her Majesty, her Heirs and Successors, to and for the better Support of the Government, and the contingent Charges thereof; the other Moiety to him or them that shall sue or prosecute for the same in any Court of Record within this Colony; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

And be it further Enacted, That the several Collectors or Officers appointed to collect and receive the said Duties, Customs and Imposts, shall, from time to time, be accountable and pay the same to the Governors of the said College of *William and Mary*, or such other Person or Persons, as shall be by them lawfully deputed; and that for the Receiving and Paying thereof, the said Collector or Collectors shall be allowed Six *per Cent.*

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act for the effectual Suppression of Vice, and Restraint and Punishment of Blasphemous, Wicked, and Dissolute Persons. No 30.

Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any Person or Persons, brought up in the Christian Religion, shall, by Writing, Printing, Teaching, or advised Speaking, deny the Being of a God, or the Holy Trinity, or shall assert or maintain there are more Gods than One, or shall deny the Christian Religion to be True, or the Holy Scriptures of the Old and New Testament to be of Divine Authority, and be thereof lawfully convicted, upon Indictment or Information in the General Court of this her Majesty's Colony and Dominion, such Person or Persons, for the first Offence, shall be adjudged uncapable, or disabled in Law, to all Intents and

A.D. 1705. and Purposes whatsoever, to hold and enjoy any Office or Employment, Ecclesiastical, Civil, or Military, or any Part in them, or any Profit or Advantage to them appertaining, or any of them; and if any Person or Persons, so convicted as aforesaid, shall at any time of his or their Conviction enjoy or possess any Office, Place or Employment, such Office, Place or Employment shall be void, and is hereby declared void: And if such Person or Persons shall be a second time lawfully convicted, as aforesaid, of all or any of the Crimes aforesaid, that then he, she, or they shall from thenceforth be disabled to sue, prosecute, plead, or use any Action or Information in any Court of Law or Equity, or to be Guardian to any Child, or to be Executor or Administrator of any Person, or capable of any Deed of Gift or Legacy, or to bear any Office, Civil or Military, for ever within this her Majesty's Colony and Dominion, and shall also suffer, from the time of such Conviction, Three Years Imprisonment without Bail or Mainprize.

PROVIDED always, and be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Person shall be prosecuted, by Virtue of this Act, for any Word spoken, unless Information upon Oath be given in of the Words before One or more Justice or Justices of the Peace within one Month after such Words spoken, and the Prosecution of such Offence be within Twelve Months after such Information.

PROVIDED also, and be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons, convicted the first time of all or any the aforesaid Crimes in Manner aforesaid, shall, within the Space of Six Months after his, her, or their Conviction, make his, her, or their publick Acknowledgment and Renunciation of such Offence or erroneous Opinions in the same Court where such Person or Persons was or were convicted, that then he, she, or they shall be thence freed and discharged from all Penalties and Disabilities incurred by such Conviction; any thing in this Act to the contrary in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons shall profanely Swear or Curse, or shall be Drunk, he, she, or they so offending, for every such Offence, being thereof convicted by the Oath of One or more Witnesses, which Oath any Justice of the Peace is hereby impowered and required to administer, or by Confession before One or more Justice or Justices of the Peace in the County where such Offence shall be committed, shall forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence; or if the Offence or Offences be committed in the Presence and Hearing of One or more Justice or Justices of the Peace, or in any Court of Record in this her Majesty's Colony and Dominion, the same shall be a sufficient Conviction, without any other Evidence, and the said Offender shall, upon such Conviction, forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence. And if any Person or Persons shall refuse to make present Payment, or give sufficient Caution for the Payment of the same, at the laying of the next Parish Levy after the said Offence committed, then the said Fines and Penalties shall be levied upon the Goods of such Person or Persons by Warrant or Precept from any Justice of Peace, before whom the same Conviction shall be; which Warrant may be directed to the Sheriff of the County, or to the Constable in his respective Precinct, to be appraised and valued, as in other Distresses; and if the Offender or Offenders be not able to pay the said Sum or Sums, then he, she, or they shall have and receive Ten Lashes upon his or her bare Back, well laid on, for every such Offence: Provided always, that every Prosecution, by Virtue of this Act for Swearing, Cursing, or for being Drunk, shall be made within Two Months after the Offence committed, and not afterwards.

AND to the End that the Lord's Day, commonly called *Sunday*, may be kept Holy, Be it Enacted; and it is hereby Enacted by the Authority aforesaid, That if any Person, being of the Age of Twenty one Years or upwards, shall wilfully absent him or herself from Divine Service, at his or her Parish-Church or Chapel, the Space of One Month, (excepting as is excepted in an Act of Parliament past in the First Year of King *William* and Queen *Mary*, Intituled, *An Act for exempting their Majesty's Protestant Subjects, dissenting from the the Church of* England, *from the Penalties of certain Laws*) and shall not, when there, in a decent and orderly Manner, continue till the said Service is ended; and if any Person shall on that Day be present at any disorderly Meeting, Gaming or Tipling, or shall on the said Day make any Journey, and travel upon the Road, except to and from Church (Cases of Necessity and Charity excepted) or shall on the said Day be found Working in their Corn or Tobacco, or any other Labour of their Ordinary Calling, other than is necessary for the Sustenance of Man and Beast, every Person failing or making Default in any of the Premisses, and being lawfully convicted, by Confession or otherwise, before One or more Justice or Justices of the Peace of the County wherein such Offence shall be committed (so that Prosecution be made within Two Months after such Default) shall forfeit and pay, for every such Offence, the Sum of Five Shillings, or Fifty Pounds of Tobacco. And if any Person or Persons herein offending, shall refuse to make present Payment, or give sufficient Caution for the Payment of the Fine, at the laying of the next Parish Levy after such Offence committed, each Party so offending, and not paying or giving Security, as aforesaid, shall, by Order of such Justice or Justices, before whom such Conviction shall be, receive on his or her bare Back Ten Lashes, well laid on. A.D. 1705.

AND be it also further Enacted by the Authority aforesaid; and it is hereby Enacted, That every Person, not being Servant or Slave, committing Adultery or Fornication, and being thereof lawfully convicted by the Oaths of Two or more credible Witnesses, or Confession of the Party, shall, for every Offence of Adultery, forfeit and pay One thousand Pounds of Tobacco, and Cask; and for every Offence of Fornication, Five hundred Pounds of Tobacco, and Cask; to be recovered by the Suit or Prosecution of the Church-warden or Church-wardens of the Parish wherein such Offence shall be committed, by Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law, shall be allowed. And if any Person or Persons offending herein, shall refuse to make present Payment, or give sufficient Caution for the Payment of the Fine, at the laying of the next Parish Levy after such Conviction, each Party so offending, and not paying or giving Security, as aforesaid, shall receive on his or her bare Back, at the publick Whipping-Post, Twenty five Lashes, well laid on.

AND be it Enacted by the Authority aforesaid; and it is hereby Enacted and Declared, That all the Fines and Forfeitures in this Act mentioned, shall be paid to the Church-wardens of that Parish wherein the Offence shall be committed, who shall be accountable for the same to the Vestry for the Use of the Poor of the Parish; which said Vestry shall annually, on *Easter-Tuesday* (if fair, if not the next fair Day) at the Parish-Church, distribute the said Fines and Forfeitures, according to their Discretion, among the Poor of their Parish.

AND be it further Enacted by the Authority aforesaid, That this Act shall be publickly read Two several Times in the Year in all Parish-Churches and Chapels within this Colony, by the Minister, Clerk, or Reader of each Parish, immediately after Divine Service, that is to say, on the first or second *Sunday* in *April*, and on the first or second *Sunday* in *September*, under the Penalty of Twenty Shillings for every such Omission and Neglect. And the

A.D. 1705. Church-wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

PROVIDED always, That nothing herein contained shall be construed to exempt any Clergyman within this Colony, who shall be guilty of any of the Crimes herein before-mentioned, from such further Punishment, as might have been inflicted on him for the same before the making of this Act; any thing herein contained to the contrary notwithstanding.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to the Suppression of Vice, or Restraint and Punishment of Blasphemous, Wicked, and Dissolute Persons, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

N° 31. Expired, 1708.

An Act for Security and Defence of the Country in Times of Danger.

N° 32.

An Act concerning Juries.

FOR the more regular Inquiry into the Breaches of Penal Laws, and Trials of Matters of Fact, in the several Courts of Judicature in this Dominion, by Grand Juries and Petty Juries, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That every County Court shall cause at least Four and twenty Freeholders of their County to be summoned to appear at *May* Court and *November* Court in every Year, out of which shall be impannelled a Grand Jury, who shall be sworn to make Inquiry into the Breach of the Laws, and to make Presentment of the Offenders; and such Grand Jury, having made Presentment of all such Matters as come to their Knowledge, shall be discharged at the Adjournment of the same Court; but if they cannot agree upon all their Presentments before such Adjournment, then they shall have Liberty to finish their Presentments, and to appear and present them at the next Court: Always observing, that when they make any Presentment upon the Information of any other Persons than themselves, that they write the Names of such Persons under the Presentment, to the End the same may be the more effectually prosecuted. And if any Freeholder, summoned to appear at *May* Court or *November* Court, as aforesaid, shall fail to appear, so as no Grand Jury can thereupon be impannelled, such Freeholders, so failing to appear, shall be fined by the Court in the Sum of Two hundred Pounds of Tobacco to our Sovereign Lady the Queen, her Heirs and Successors, for the Use of the County. And if the Court of any County shall fail to give Order for the summoning Four and Twenty Freeholders of their County, as aforesaid, to make a Grand Jury, or, upon the Appearance of Fifteen of them, shall omit to swear a Grand Jury, as aforesaid, every Member of such Court, so failing or omitting, shall forfeit and pay Four hundred Pounds of Tobacco to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Colony and Dominion, and the contingent Charges thereof; to be recovered by Action of Debt, Bill, Plaint,

Plaint, or Information, in any Court of Record within this Dominion, in which no Essoign, Protection, or Wager of Law, shall be allowed. And if the Sheriff of any County, upon Order given by the Court to summon Twenty four Freeholders, as aforesaid, shall fail to perform his Duty therein, and to return the Names of the Persons summoned, he shall forfeit and pay One thousand Pounds of Tobacco to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Colony and Dominion, and the contingent Charges thereof; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, in which no Essoign, Protection, or Wager of Law, shall be allowed. And for Presentments to be made at the General Court, it shall be lawful for the Sheriff, or other Officer attending the said Court, to summon a Grand Jury of the By-standers, being Freeholders, who shall and may, and are hereby declared to have full Power to make Presentments of any Offences whatsoever committed, or to be commmitted or done within this Colony. And to the End that the Grand Juries, summoned to the General Court, may be constituted of the most capable Persons, it shall be lawful for the said General Court, upon the first or second Day of their Sitting, to make a Rule for the Sheriff, or other Officer attending the Court, to summon Twenty four Persons, as aforesaid, to attend the Court for a Grand Jury; and if any Person so summoned shall fail to appear, he shall forfeit and pay Four hundred Pounds of Tobacco to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Colony and Dominion, and the contingent Charges thereof; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, in which no Essoign, Protection, or Wager of Law, shall be allowed. A.D. 1705.

PROVIDED always, That no Grand Jury shall make any Presentments, as of their own Knowledge, upon the Information of less than Two Persons of their own Number.

AND be it further Enacted, That for the Trial of all Causes (Treason and Felony excepted) both in the General Court and County Court, the Sheriff, or other Officer attending the Court, shall, every Morning the Court sits, summon a sufficient Number of the By-standers, qualified as hereafter is directed, to attend the Court for that Day, that out of them may be impannelled a sufficient Jury for the Trial of any Cause (except before excepted) which shall be depending in such Court; and if any By-standers, being summoned as aforesaid, shall fail to attend the Court, so as a sufficient Jury cannot be impannelled, every such By-stander so failing, shall be fined by the Court Four hundred Pounds of Tobacco to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Colony and Dominion, and the contingent Charges thereof.

AND for the Trials of all Treasons and Felonies, Be it Enacted by the Authority aforesaid, That the Petty Jury for the same shall be made up in Manner following, that is to say, when any Person shall be committed for Treason or Felony, the Sheriff, or other Officer to whom such Person shall be committed, shall signifie the same to the Clerk of the General Court for the time being, together with the Crime for which such Commitment shall be made, and the particular Place wherein the same shall be alledged to be committed, whereupon the Clerk of the General Court shall issue forth a Writ of *Venire facias* to the Sheriff of the County where the Crime shall be alledged to be committed, requiring him to summon and return the Names of Six discreet and honest Freeholders of his County, residing as near as may be to that part of the County where the Crime shall be alledged to be committed, to appear at the Fourth Day of the General Court then next coming, to be of the Jury for the Trial of the same; which Six Freeholders, or so many of them as shall not be challenged, shall be of the Jury; and as many Persons more, as shall be wanting

to

A. D. 1705. to make up the Pannel, ſhall be taken of the By-ſtanders, being diſcreet and honeſt Freeholders within this Colony, and who ſhall every one of them be poſſeſſed of a viſible Real and Perſonal Eſtate of the Value of One hundred Pounds at leaſt.

And be it further Enacted by the Authority aforeſaid, That no Perſon ſhall be capable to be of a Jury for the Trial of any Treaſon, Felony, Breach of the Peace, or of any Miſpriſion, Breach of any Penal Law, or any other Pleas of the Crown, or of any Eſtate of Freehold, or any Eſtate or Title in or to any Lands, Tenements or Hereditaments in any Court in this Dominion, unleſs ſuch Perſon ſhall be a Freeholder, and ſhall be poſſeſſed of a viſible Eſtate, Real and Perſonal, of at leaſt the Value of One hundred Pounds Sterling. And that no Perſon ſhall be capable to be of a Jury for the Trial of any Cauſe whatſoever in the General Court, unleſs he be a Freeholder, and poſſeſſed of a viſible Eſtate, Real and Perſonal, of the ſaid Value of One hundred Pounds Sterling at the leaſt. And that no Perſon ſhall be capable to be of a Jury for the Trial of any Cauſe whatſoever, in any County Court within this Dominion, unleſs he ſhall be poſſeſſed of a viſible Eſtate, Real or Perſonal, of the Value of Fifty Pounds Sterling at the leaſt. And that no Sheriff or other Officer ſhall at any Time hereafter ſummon or return any Perſon to ſerve as a Juryman in any Court, who ſhall not be capacitated for the ſame, according as is herein before directed. Provided always, That the Exceptions to be taken to any Juryman on account of his Eſtate, ſhall be taken before he be ſworn, or elſe not to be allowed.

And be it further Enacted, That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to the Inquiry into the Breaches of Penal Laws, and Trials of Matter of Fact, in the ſeveral Courts of Judicature in this Dominion by Juries in or concerning any Matters or Things within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

No 33.

An Act for the Diſtribution of Inteſtates Eſtates, declaring Widows Rights to their deceaſed Husbands Eſtates, and for ſecuring Orphans Eſtates.

FOR the more equal Diſtribution of the Eſtates of Perſons dying Inteſtate, Be it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly; and it is hereby Enacted by the Authority of the ſame, That after Debts, Funerals, and juſt Expences of every ſort, firſt paid and allowed, the Surpluſage of all and ſingular the Goods, Chattels, and Perſonal Eſtate of every Perſon dying Inteſtate, ſhall be diſtributed amongſt the Wife and Children, or Childrens Children, if any ſuch be, or otherwiſe to the next of Kin to the dead Perſon, in equal Degree, or legally repreſenting their Stocks, *pro ſuo cuique jure*, according to the Laws in ſuch Caſes, and the Rules and Limitations herein after ſet down; that is to ſay, One third Part of the ſaid Surpluſage to the Wife of the Inteſtate, and all the Reſidue by equal Portions to and amongſt the Children of ſuch Perſons dying Inteſtate, and ſuch Perſons as legally repreſent ſuch Children, in caſe any of the ſaid Children be then dead, other than ſuch Child or Children (not being Heir at Law) who ſhall have any Eſtate by the Settlement of the Inteſtate, or ſhall be advanced by the Inteſtate in his Life-time, by Portion or Portions equal to the Share which

shall by such Distribution be allotted to the other Children, to whom such Distribution is to be made; and in case any Child (other than the Heir at Law) shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Life-time, by Portion not equal to the Share which will be due to the other Children by such Distribution, as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children, as shall have any Lands by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated. But the Heir at Law, notwithstanding any Land he shall have by Descent or otherwise from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land, which he hath by Descent or otherwise from the Intestate. And if after the Death of a Father any of his Children shall die Intestate without Wife or Children in the Life-time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with her. And if all the Children shall die Intestate without Wife or Children in the Life-time of the Mother, then the Portion of the Child so dying last, shall be equally divided, one Moiety to the Mother, and the other Moiety to the next of Kindred by the Father; and if there be no such Kindred by the Father, then the Whole shall be to the Mother; any Law, Custom or Usage to the contrary notwithstanding. And in case there be no Children, nor any legal Representatives of them, then one Moiety of the said Surplusage to be allotted to the Wife of the Intestate, and the other Moiety to be distributed equally to every of the next of Kindred to the Intestate, who are in equal Degree, and those who legally represent them; and if there be no such Kindred, then all the said Surplusage to be to the Wife. A.D. 1705.

PROVIDED, That there be no Representations admitted amongst Collaterals after Brothers and Sisters Children, and in case there be no Wife, then all the said Surplusage to be distributed equally to and amongst the Children; and in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their legal Representatives, as aforesaid, and in no other Manner whatsoever.

PROVIDED also, That when any Person dies Testate, if he leaves one or two Children, and no more, he shall not have Power to dispose of more than Two third Parts of his Estate by Will to any other Person or Persons than his Wife; and One third Part thereof at the least shall be given to her: And if such Person shall leave more than Two Children, he shall not leave his Wife less than a Child's Part, according to the Number of Children; but if such Person leaves no Child, then the Wife shall have at least one equal Moiety of his Estate. And if any Person shall leave a Will, wherein a lesser Part of his Estate shall be given to his Wife than is herein directed, such Will, as to so much thereof as relates to the Wife, upon her Petition to the Court, where the same shall be proved, shall be declared null and void; and thereupon she shall and may be impowered to sue for and recover such Part of her deceased Husband's Estate, as is herein before directed to be given her.

PROVIDED always, That if such Wife shall die before Distribution of her deceased Husband's Estate shall be made, according to this Act, then in such case her Executors and Administrators shall be impowered to sue for and recover so much of the said Estate, as shall be given to her by Will, and no more; any thing herein before to the contrary notwithstanding.

PROVIDED also, That if the Widow of any Person dying Intestate, shall depart this Life before the Estate of her deceased Husband shall be appraised, then the Right of such Widow to her said Husband's Estate, or any Part thereof, shall be determined; neither shall her Executors or Administrators have Power to commence or prosecute any Suit for Recovery thereof.

A.D. 1765. PROVIDED also, and be it Enacted by the Authority aforesaid, to the End that a due Regard be had to Creditors, That no such Distribution, as aforesaid, of the Goods of any Person dying Intestate, be made till after Nine Months be fully expired after the Intestate's Death; and that such and every one, to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the Court where such Distribution shall be made, that if any Debt or Debts, truly owing by the Intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator, his or her ratable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator, by reason of such Debt, out of the Part and Share so, as aforesaid, allotted to him or her, thereby to enable the said Administrator to pay and satisfie the said Debt or Debts, so discovered after the Distribution made, as aforesaid.

AND be it further Enacted, That the Widow of any Person dying Intestate, shall be endowed of One full and equal third Part of all her deceased Husband's Lands, Tenements, and other Real Estate, in Manner as is directed and prescribed by the Laws and Constitutions of the Kingdom of *England*, and till such Dower shall be assigned, it shall be lawful for her to remain and continue in the Mansion-house, and the Messuage or Plantation thereto belonging, without being chargeable to pay the Heir any Rent for the same; any Law, Custom or Usage to the contrary in any wise notwithstanding.

PROVIDED always, That if any Widow shall have such a Joynture settled on her in the Life-time of her Husband, as by Law doth bar her of her Dower, she shall not hold Possession of any Houses or Messuages of her said deceased Husband, other than what shall be so settled on her.

AND if it shall so happen, that any Person dies, leaving an Estate of so small Value, that no one will take Administration thereupon; Be it Enacted, That in such case it shall be lawful for the Court, at the Expiration of Three Months next after such Person's Decease, to impower and direct the Sheriff of the County to take the said Estate into his Possession, and make Sale thereof by way of Outcry; and the Buyers of such Estate shall give Obligations, with Security for the Payment of what shall be due from them to the said Estate; which Obligations shall be made payable to the Sheriff, and shall by him be assigned to such Creditors of the Deceased, or to such other Persons, as the Court shall direct, always regarding the Dignity of the Debts; and for his Trouble herein sustained, the Sheriff shall be paid out of such Estate after the Rate of Five Pounds *per Cent.* of the Value for which it shall be sold.

AND for the better securing the Estates of all Persons deceased, and of all Orphans Estates, Be it Enacted and Declared, That when any Person shall be chargeable, as Executor or Administrator, or otherwise, with the Estate of any Person deceased, or with any Orphan's Estate, and shall die so chargeable, the Estate of such Person so dying shall be liable to pay and satisfie such other deceased Person's or Orphan's Estate before any other Debt whatsoever; any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

AND be it further Enacted, That every County Court shall take good Security of all Guardians for the Estates of the Orphans committed to their Charge, and that they shall yearly inquire into such Securities, and if any of them become defective or insufficient, shall cause new Securities to be given; and if it shall appear that the said Estates are likely to be imbezilled, or that the Orphans are not taken care of and educated according to their Estates, then the said Court shall have Power to remove the said Orphans (not being of Age to chuse their Guardians) and their Estates, and to place them under the Care of such other Persons, as to them shall seem most proper, always taking good Securities for the said Orphans Estates, that when the same shall become payable to the said Orphans, they shall be paid without making any Abatement or Al-

lowance

lowance (other than of the Profits of the said Estates) for Diet, Clothing, or any other Matter whatsoever, and if the Estate of any Orphan be of so small a Value, that no Person will maintain him for the Profits thereof, then such Orphan shall, by Direction of the Court, be bound Apprentice to some Handicraft Trade or Mariner, until he shall attain to the Age of One and twenty Years; and the Master of every such Orphan shall be obliged to teach him to read and write, and, at the Expiration of his Servitude, to pay and allow him in like Manner, as is appointed for Servants by Indenture or Custom; and if it shall appear that any such Apprentice be ill used by his Master, or that he fails to teach him his Trade, the Court shall have Power to remove him, and to bind him to such other Person, as to them shall seem most proper. A.D. 1705.

AND be it further Enacted and Declared, That if any County Court shall grant an Administration upon the Estate of any Person deceased, or shall commit an Orphan's Estate to the Charge of any Person, and shall fail to take good Security for the same, in such Manner as the Law directs, in every such Case the Justices that shall grant such Administration, or commit such Orphan's Estate, as aforesaid, and every of them, shall be chargeable for all such Loss and Damage, as shall accrue by reason of such Failure, to be recovered by Action at the Common Law at the Suit of the Party grieved.

PROVIDED always, and be it further Enacted, That when any Party, being Security in any Court for any Decedent's Estate, or for the Estate of any Orphan, shall think himself in Danger of suffering by reason of being such Security, and shall petition the said Court for Relief, either by Counter Security, or otherwise, then it shall and may be lawful for the said Court to summon the Party with whom such Security was given, and to make such Order and Decree therein, as to them shall seem consistent with Equity and good Conscience, for the Relief and Indemnifying such Party so petitioning, as aforesaid.

AND be it further Enacted, That the County Court shall have Power, by their Discretion, to regulate the Funeral Expences of any Person deceased, and to make Allowance for the same according to his Estate.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force, for the Assignment of Bonds and Obligations, directing what Proof shall be sufficient in such Cases, and ascertaining the Damage upon Protested Bills of Exchange. Nº 34.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That no Action of Debt upon the Case, or other Action, shall be commenced or prosecuted against any Person or Persons whatsoever, their Heirs, Executors or Administrators, for or in order to any Recovery or obtaining of Judgment for any Debt due by Judgment upon Record, Bond, Bill obligatory, or other Note, or upon Account, unless the same Action or Suit be commenced

A.D. 1705. menced and prosecuted within the several Limitations and Times herein after mentioned and expressed; that is to say, For every Debt due by Judgment upon Record, the Suit shall be commenced and prosecuted, as aforesaid, within the Space of Seven Years next after such Judgment shall have been first obtained, or after the same shall have been renewed by *Scire facias*. For every Debt due by Bond or Bill obligatory, wherein no certain Day of Payment is expressed, the Suit shall be commenced and prosecuted, as aforesaid, within Five Years next after the Date of such Bond or Bill obligatory; and if any certain Day or Days of Payment be expressed, then the Suit shall be commenced and prosecuted within Five Years after the last Day of Payment so expressed. And upon any Bond for Performance of Covenants, the Suit shall be commenced and prosecuted, as aforesaid, within Five Years next after the Breach of Covenants assigned shall happen. And for any Debt due by Note drawn on any Person within this Colony, the Suit shall be commenced and prosecuted, as aforesaid, (either on Behalf of the Person to whom the same shall be made payable, or of the Person that shall accept and pay the same) against the Drawer within Three Years after the Date of such Note; and if such Note shall be accepted by the Person on whom it shall be drawn, the Suit shall be commenced and prosecuted against such Acceptor within Three Years after such Acceptance. And for Debts due by Account for Goods or Wares delivered, or for Clerks, Sheriffs, or other Officers Fees, Chirurgeons Accounts, or any other Accounts whatsoever, the Suit shall be commenced and prosecuted, as aforesaid, within Three Years after the same shall grow due, if the Person or Persons, to whom the same shall be due, be resident within this Colony; and within Five Years after the same shall grow due, if the Person or Persons, to whom the same shall be due, be not resident within this Colony.

Provided always, That if any Person or Persons, in any wise chargeable by any Judgment, Bond, Bill obligatory, or other Note, or by any Account, shall abscond or privily remove him, her, or themselves out of the County wherein he, she, or they became so chargeable, and shall not leave sufficient visible Estate within the same County to satisfie and pay all such Judgments, Bonds, Bills, Notes, or Accounts, such Person or Persons shall not have or receive any Benefit or Advantage by the several Limitations herein before set down, or any of them; any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That when any Suit shall be commenced and prosecuted in any Court within this Colony for any Debt due by Judgment, Bond, Bill, or otherwise, the Defendant shall have Liberty, upon Trial thereof, to make all the Discount he can against such Debt, and upon Proof thereof the same shall be allowed in Court.

And be it further Enacted, That it shall and may be lawful, to and for any Person or Persons, to assign or transfer any Bond or Bill for Debt over to any other Person or Persons whatsoever; and that the Assignee or Assignees, his and their Executors and Administrators, by Virtue of such Assignment, shall and may have lawful Power to commence and prosecute any Suit at Law in his or their own Name or Names, for the Recovery of any Debt due by such Bond or Bill, as the first Obligor, his Executors and Administrators, might or could lawfully do.

Provided always, That in any Suit commenced upon such Bond or Bill so assigned, the Plaintiff shall be obliged to allow all Discounts, as aforesaid, that the Defendant can prove either against himself, or against the first Obligee.

And

A.D. 1705.

And be it further Enacted, That when any Suit ſhall be commenced for the Recovery of any Debt due by Account, other than for Secretaries, County Court Clerks, Sheriffs, or other Officers Fees, Publick County or Pariſh Levies, or Phyſicians or Chirurgeons Accounts, and the Accounts of Merchants living out of this Country, if the Plaintiff ſhall not prove his Account by the Oaths of Two Witneſſes, or by his own and the Oath of One other Witneſs, it ſhall be lawful for the Defendant, in open Court, upon his Corporal Oath, to deny the Receipt of the Particulars, or the Performance of the Services, wherewith he is charged, or any Part thereof; and ſuch Oath ſo made, ſhall be held ſufficient to diſcharge him of ſo much as ſhall be ſo denied; and if the Defendant ſhall not make any ſuch Oath, the Plaintiff's Oath to the Truth and Juſtneſs of the Account ſhall be held and taken to be good Proof thereof, and Judgment ſhall accordingly be granted thereupon: And if the Plaintiff be an Executor or Adminiſtrator, who cannot be capable of making Oath to the Account of his Teſtator or Inteſtate, if he can bring One Evidence to prove the Account of the Teſtator or Inteſtate, and ſhall himſelf make Oath, that he found the Account ſo ſtated in the Teſtator's or Inteſtate's Books or Papers, ſuch Proof ſhall be accounted ſufficient; but if he cannot bring ſuch Evidence, beſides his Own Oath, in ſuch Caſe the Defendant ſhall be admitted to deny the ſame upon Oath; and if the Defendant ſhall refuſe to deny the ſame upon Oath, then the Plaintiff's making Oath that he found the Account ſo ſtated in the Teſtator's or Inteſtate's Books or Papers, ſhall be held and taken to be good Proof thereof, and Judgment ſhall accordingly be granted thereupon. And in caſe of *Non eſt inventus* returned, if the Defendant do not appear, the Oath of the Plaintiff, as aforeſaid, ſhall be taken to be good and ſufficient Proof that the Account is juſtly due, and Judgment ſhall accordingly be granted thereupon.

Provided always, That when any Suit ſhall be commenced upon a Phyſician's or Chirurgeon's Account, it ſhall be lawful for the Court to put ſuch a reaſonable Valuation upon the Medicines adminiſtred, and the Viſits, Attendance, and other Services performed, as to them ſhall ſeem meet and juſt; any thing herein before contained to the contrary notwithſtanding.

And be it further Enacted, That when any Suit ſhall be proſecuted againſt the Executor or Adminiſtrator of any Perſon deceaſed, upon any Judgment, Bond, or Bill, the Plaintiff, not being an Executor or Adminiſtrator, ſhall declare upon Oath, that he hath not received any part of Satisfaction of ſuch Judgment, Bond, or Bill, or what Part he hath received.

Provided always, and be it Enacted, That in all Caſes, where the Plaintiff or Creditor is obliged by this Act to make Oath to the Truth or Juſtneſs of any Debt or Account, it ſhall be lawful for ſuch Plaintiff or Creditor to appear and make ſuch Oath in the Court of that County where he ſhall reſide; and if he be out of the County, before the Governor or Mayor of the Place where he is, and to take a Certificate thereof from the Clerk of the ſame Court, or the Governor or Mayor, as the Caſe is; and ſuch Oath ſo made, and a Certificate thereof ſo obtained, ſhall be as ſufficient and available, as if the ſame Oath had been made in the Court where any Suit (requiring ſuch Oath to be made) ſhall be depending.

Provided alſo, That if the Plaintiff or Creditor, obliged by this Act to make Oath, as aforeſaid, be not able to travel to the Court of the County where he reſides, it ſhall be lawful for ſuch Plaintiff or Creditor to make ſuch Oath before Two Juſtices of the Peace, whereof One ſhall be of the *Quorum*, in the ſaid County, and to take a Certificate from them thereof; and ſuch Oath ſo made, and Certificate thereof ſo obtained, ſhall be as ſufficient and available, as if the ſame Oath had been made according to the Directions of this Act before-mentioned and expreſſed.

A.D. 1705. And to the End Persons out of the Country may have a suitable Time to produce a Certificate of Oath made according to this Act, Be it Enacted by the Authority aforesaid, That if a Suit be brought against the Executor or Administrator of a Person deceased, upon a Judgment, Bond, or Bill, and the Plaintiff or Creditor bringing such Suit be out of the Country, the Executor or Administrator shall take Care to retain Assets in his Hands sufficient to satisfie the said Judgment, Bond, or Bill, for the Space of Two Years, and shall not suffer the same to be recovered out of his Hands in that Time by any Creditor upon a Debt of less Dignity than what the Creditor out of the Country sues upon.

And to prevent any Controversies that may arise thereupon, It is hereby Enacted and Declared, That all Goods, Wares and Merchandizes, imported into this Colony by any Person, whether as Factor, or otherwise, shall be held, deemed and taken to be the proper Estate of the Possessor, and accordingly shall be chargeable for all Debts by him contracted.

And be it further Enacted, That if any Bill of Exchange, drawn by any Person or Persons in this Colony, to be paid in the Kingdom of *England*, *Ireland*, *Wales*, or the Town of *Berwick* upon *Tweed*, shall be returned protested, in such case there shall be paid to the Person or Persons, on whose Behalf such Protest shall be made, and to such other Person or Persons, as have Right to sue for the same, his, her, or their Executors and Administrators, for his, her, and their Damage in that Behalf sustained, after the Rate of Fifteen *per Cent.* for the same, expressed in the Bill, and for the Costs and Charges of Protest, and no more.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to the declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force, or the Assignment of Bonds and Obligations, or directing what Proof shall be sufficient in such Cases, or ascertaining the Damage upon protested Bills of Exchange, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No 35. *An Act for Limitation of Actions, and avoiding of Suits.*

FOR avoiding of Law Suits, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all Actions of Trespass *Quare clausum fregit*, all Actions of Trespass, Detinue, Action Sur Trover and Replevin, for taking away of Goods and Chattels, all Actions of Account and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants, all Actions of Debt grounded upon any Lending or Contract without Speciality, all Actions of Debt for Arrearages of Rent, all Actions of Assault, Menace, Battery, Wounding, and Imprisonment, or any of them, which shall be sued or brought at any Time after the End of this present Session of Assembly, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after; that is to say, the said Actions upon the Case (other than for Slander) and the said Actions for Account, and the said Actions for Trespass, Debt, Detinue, and Replevin, for Goods and Chattels, and the said Action of Trespass *Quare clausum fregit*, within Two Years next after the End of this present Session of Assembly, or within Five Years next after the Cause of such Actions or Suit,

 and

and not after; and the said Actions of Trespass of Assault, Battery, Wounding, Imprisonment, or any of them, within One Year next after the End of this present Session of Assembly, or within Three Years next after the Cause of such Actions or Suit, and not after; and the said Actions upon the Case for Wards, within One Year after the End of this present Session of Assembly, or within One Year next after the Words spoken, and not after.

PROVIDED nevertheless, and be it Enacted, That if in any of the said Actions or Suits Judgment be given for the Plaintiff, and the same be afterwards reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ, or Bill; or if any of the said Actions shall be brought by Original, and the Defendant therein be outlawed, and shall after reverse the Outlawry, that in all such Cases the Party Plaintiff, his Heirs, Executors or Administrators, as the Case shall require, may commence a new Action or Suit, from time to time, within One Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

AND be it further Enacted, That in all Actions of Trespass *Quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim in his or their Plea to make any Title or Claim to the Land, in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence, or Involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence, or Involuntary, and a Tender or Offer of sufficient Amends for such Trespass before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be inforced to joyn Issue; and if the said Issue be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be Nonsuited, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and all other Suit concerning the same.

AND be it further Enacted by the Authority aforesaid, That in all Actions upon the Case for slanderous Words, to be sued or prosecuted by any Person or Persons in the General Court of this Dominion, or in any Court whatsoever, that hath Power to hold Plea of the same after the End of this present Session of Assembly, if the Jury upon the Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, do find or assess the Damages under Forty Shillings, then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs, as the Damages so given or assessed amount unto, without any further Increase of the same; any Law, Statute, Custom or Usage to the contrary in any wise notwithstanding.

PROVIDED nevertheless, and be it further Enacted, That if any Person or Persons, that is or shall be entitled to any such Action of Trespass, Detinue, Action Sur Trover, Replevin, Actions of Account, Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding, or Imprisonment, be or shall be, at the Time of any such Cause of Action given or accrued, fallen or come within the Age of Twenty one Years, Feme-Covert, *Non compos mentis*, Imprisoned, beyond the Seas, or out of the Country, that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to or being of full Age, Discovert, of sane Memory, at large, and returned from beyond the Seas, or from without this Country, as by other Persons, having no such Impediment, should be done.

PROVIDED also, and be it further Enacted, That if any Person or Persons, Defendant or Defendants to any of the aforesaid Actions, shall abscond or conceal themselves, or by Removal out of the Country, or the County where he or they do or shall reside, when such Cause of Action accrued, or by any other indirect Ways or Means, defeat or obstruct any Person or Persons, who have

A.D. 1705. have Title thereto, from bringing and maintaining all or any of the aforesaid Actions within the respective Times limited by this Act, that then, and in such case, such Defendant or Defendants are not to be admitted to plead this Act in Bar to any of the aforesaid Actions; any thing in this Law in any wise to the contrary notwithstanding.

N° 36. *An Act for Attorneys prosecuting Suits on Behalf of Persons out of the Country, to give Security for the Payment of such Costs and Damages, as shall be awarded against them.*

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any Person or Persons, by Virtue of any Letter or Warrant of Attorney, or Letter or Warrant of Substitution, or by Virtue of any other Deputation or Power from any Person or Persons residing in other Parts than within this Colony, shall at any Time hereafter sue forth any Process, or commence or prosecute any Suit, either in Law or Equity, against any Person or Persons inhabiting within this Colony, such Person, so suing forth any Process, or commencing or prosecuting any Suit, at his or their first Appearance in any Court, or before any Judge or Magistrate to prosecute, shall enter into Bond, with good and sufficient Surety, to satisfie and pay to the Party prosecuted all such Damages, Costs and Charges, as upon the same Suit shall be awarded to him, her, or them, by the Court, Judge, or Magistrate before whom the Suit shall be heard and determined; and if such Person or Persons, so appearing to prosecute, shall fail to give such Bond, then the Suit shall thereupon abate, and the Party prosecuted shall be thence dismissed without Day.

N° 37. *An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt.*

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That when a Writ of *Fieri facias* shall at any Time hereafter be delivered to the Sheriff, or other Officer lawfully impowered to make Execution thereof, such Sheriff or other Officer (having by Virtue thereof levied the Debt, Damages and Costs therein mentioned, or any Part thereof, upon the Goods and Chattels therein commanded to be levied) shall thereupon proceed in Manner following; that is to say, that the Goods and Chattels so levied shall remain in the Possession of the Sheriff, or other Officer levying the same, by the Space of Twenty four Hours, at the Expiration of which Time they shall be appraised, unless the Party, from whose Custody and Possession they were taken, shall give Bond, with good and sufficient Surety, that they shall be produced for Appraisement at the End of Three Days after such Surety given, and then the Appraisement shall be made (as hereafter is directed) and thereupon the Property of the Goods and Chattels so appraised shall be vested in the Sheriff, or other Officer levying the same, to and for the Use of the Person or Persons

at whose Suit the Writ ſhall have iſſued, and accordingly ſuch Sheriff or other Officer ſhall give Notice thereof to the ſaid Perſon or Perſons, that he or they may receive the ſaid Goods and Chattels into his or their own Poſſeſſion. And for the more equal Appraiſement of Goods and Chattels ſo levied, as aforeſaid, the Sheriff, or other Officer levying the ſame, ſhall give immediate Notice thereof to the Perſon or Perſons from whom they ſhall be taken, and alſo to the Perſon or Perſons at whoſe Suit the Writ ſhall have iſſued, to the End that each Party may nominate and elect Two ſuch Appraiſers, as they ſhall think fit, to appraiſe and value the Goods and Chattels ſo levied upon their Corporal Oath, which Oath the Sheriff or other Officer, as aforeſaid, is hereby impowered and required to adminiſter; and in caſe either of the Parties ſhall refuſe or neglect to nominate Two Appraiſers, as aforeſaid, then the ſaid Sheriff or other Officer ſhall nominate Two diſcreet honeſt Freeholders of the Vicinage for the Party ſo neglecting, to appraiſe and value the ſaid Goods and Chattels, as aforeſaid; and if it ſhall ſo happen that the ſaid Appraiſers are equally divided in their Judgments, as to the Value of any Goods and Chattels, which ſhall be produced to them for Appraiſement, then they ſhall chuſe a Fifth Man, who, upon his Corporal Oath, to be adminiſtred, as aforeſaid, ſhall declare his Opinion, which of the ſaid Appraiſers have made the trueſt Valuation of the ſaid Goods and Chattels, which Opinion of the ſaid Fifth Man ſhall in that Caſe be taken as the true Value. A.D. 1705.

PROVIDED always, That if the Goods and Chattels ſo appraiſed, as aforeſaid, ſhall amount to a greater Value than will ſatisfie the Debt, Damages and Coſts to be levied, then the ſaid Sheriff or other Officer ſhall immediately return the Overplus to the Party from whom it was taken, if it can be divided, if not, the Value thereof.

AND be it further Enacted by the Authority aforeſaid, That when any Writ of *Levari facias* ſhall be at any Time hereafter delivered to any Sheriff or other Officer, as aforeſaid, to levy any Debt, Damages, Coſts, or other Dues upon the Goods or Chattels of any Perſon or Perſons, the Proceedings thereupon, as to the ſaid Goods and Chattels, ſhall be in like Manner, as is herein before directed, upon a Writ of *Fieri facias*; and after Execution ſo done, as aforeſaid, upon either of the ſaid Writs, the Sheriff or other Officer, ſo having made Execution thereof, ſhall alſo make Return thereof to ſuch Office or Place from whence the ſame ſhall have iſſued, which Return ſhall be entred in the Records of ſuch Office.

AND be it further Enacted by the Authority aforeſaid, That when any Perſon ſhall be taken and impriſoned by Virtue of a *Capias ad ſatisfaciendum*, for the Payment of any Debt, Damage and Coſts due in Money, Tobacco, or other Commodities whatſoever, if ſuch Perſon ſhall, upon his Corporal Oath, declare, before ſome Juſtice of the Peace of that County where he ſhall be impriſoned (which Oath any ſuch Juſtice is hereby impowered and required to adminiſter) that he hath none of that Specie which is due from him, whether it be Money, Tobacco, or other Commodities, as aforeſaid, then it ſhall be lawful for ſuch Perſon to make Tender to his Creditor or other Perſon, to whom the ſame ſhall be due, of ſo much of his Eſtate, as ſhall be of Treble the Value of the Sum to be paid out, of which the ſaid Creditor or other Perſon ſhall make Choice of ſo much as, upon a reaſonable Valuation of Four or Five Men, to be nominated and elected, as aforeſaid, ſhall be ſufficient to make him Satisfaction, as well for what is due to himſelf, as for all Coſts concerning the ſame Matter; and after ſuch Appraiſement the Perſon ſo impriſoned ſhall be diſcharged from Impriſonment, and the Eſtate ſo appraiſed ſhall be delivered to ſuch Creditor or other Perſon, as aforeſaid; and if it ſhall ſo happen, that the whole Perſonal Eſtate of the Perſon impriſoned ſhall not amount to Treble the Value of the Sum due, then, after Oath made, as aforeſaid, he ſhall exhibit upon Oath, to the beſt of his Knowledge, a true

A.D. 1705. Inventory of all his Personal Estate, and make Tender thereof to the Creditor or other Person, as aforesaid, out of which shall be chosen and appraised, as aforesaid, so much as will be sufficient to make Satisfaction, as aforesaid, whereupon the Person imprisoned shall be discharged, and the Estate so appraised shall be delivered to the Creditor or other Person, as aforesaid; and it it shall so happen, that upon Tender made, as aforesaid, the Creditor or other Person, as aforesaid, to whom such Tender shall be made, shall not make his Choice, as aforesaid, within the Space of Three Days after such Tender made, then it shall be lawful for some one Justice of the Peace of the County to make the Choice, and chuse the Appraisers, and thereupon Proceedings shall be had in like Manner as is before directed, and the Person imprisoned shall also thereupon be discharged; and in these Cases it shall be lawful to and for the Sheriff or other Officer, as aforesaid, to make Return of such *Capias ad satisfaciendum*, according to the Truth of the Case, into such Office from whence the same shall have issued, there to be entred upon Record. And if any Person so imprisoned, as aforesaid, shall make such Tender, as is afore directed, to the Sheriff or other Officer, in whose Custody he or she shall be, such Sheriff or other Officer shall, within Twenty four Hours thereafter, give Notice thereof to the Creditor or other Person, as aforesaid, if he be to be found within his County; and if he be not within his County, nor any known Attorney for him, then Notice thereof shall be given to some Justice of the Peace of the County, who, at the End of Three Days after such Notice given, shall make Choice, as aforesaid; and if any Sheriff or other Officer shall neglect to do his Duty herein, he shall be liable to an Action at the Common Law for false Imprisonment, at the Suit of the Party grieved.

PROVIDED always, That nothing shall be accounted a Tender of any Estate within the Meaning of this Act, unless it shall be made in such Manner, that immediately, upon the making Choice thereof, as aforesaid, the Estate may and can be delivered to the Sheriff or other Officer, as aforesaid, for the Use of the Creditor or other Person, to whom the same shall be due.

AND be it further Enacted, That if any Person, taken and imprisoned, as aforesaid, and having delivered up to the Sheriff or other Officer, in whose Custody he shall be, all his whole Estate for and towards the Payment and Satisfaction of the Debt or other Dues, for which he was imprisoned, after having lain Three Months in Prison, shall, upon his Corporal Oath before Two Justices of the Peace of the same County, declare, that he hath no Estate left, either Real or Personal, save only one Suit of Clothes, not exceeding the Value of Fifty Shillings (which Oath the said Justices are hereby impowered and required to administer) then the said Justices shall make Certificate thereof to the Sheriff or other Officer, as aforesaid, and thereupon such Person, having such Certificate, shall be discharged.

PROVIDED always, That no Prisoner under Execution, as aforesaid, for any Debt heretofore contracted, shall be allowed to discharge himself from the same by Virtue of this Act, and that no Prisoner whatsoever shall be discharged or receive any Benefit by his making Oath, as aforesaid, in case the Debt, for which he is kept in Prison, exceed the Sum of Ten Pounds, current Money, or Two thousand Pounds of Tobacco.

PROVIDED always, and be it further Enacted by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner, as aforesaid, upon taking the Oaths aforesaid, all and every Judgment and Judgments had and taken against him or her alone, or with any other Person or Persons, shall stand, and be good and effectual in the Law, to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels only of the said Prisoner so discharged, as aforesaid, and that it shall and may be lawful to and for such Creditor or Creditors of such Prisoner or Prisoners so discharged, as aforesaid, his, her, or their Executors, Administrators or Assigns, to take out

out any new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner or Prisoners (his or her Wearing Apparel, Bedding for his or her Family, and Tools necessary for his or her Trade or Occupation, only excepted) for the Satisfaction of his, her, or their said Debt, in such Sort, Manner and Form, as he, she, or they might have done, if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution; and that no Act of Limitation shall be pleadable against such Judgment or Judgments; any Act, Statute, Law or Custom to the contrary in any wise notwithstanding. A.D. 1705.

PROVIDED also, and be it Enacted, That when any Person in Prison shall offer to tender his Estate, as aforesaid, upon Oath, or shall desire to be admitted to make Oath before Two Justices, as aforesaid, in such Cases it shall be lawful for the Sheriff or other Officer, as aforesaid, to carry such Person out of Prison, before such Justice or Justices, as the Case shall require, in order to the taking such Oath, without being liable to any Prosecution for or on Pretence of an Escape, or on any other Pretence whatsoever.

PROVIDED nevertheless, That if such Person, carried out of Prison, as aforesaid, be not discharged upon taking his Oath, the Sheriff or other Officer shall carry him back to Prison, or be liable to Prosecution for an Escape.

AND be it Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act for removing Criminals from the Goals of the Counties where they shall be apprehended, to the Publick Goal at Williamsburgh. No 38.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That when any Person shall at any Time hereafter, by Precept from any Justice of the Peace within this Dominion, be committed to the Goal of the County for any such criminal Offence, as shall appear to such Justice to be triable in the General Court only, in such Case it shall be lawful for the same Justice to issue his Warrant to the Sheriff of the County, requiring him to summon the Justices of the same County to meet at a certain Time to be appointed in the said Warrant, not less than Five Days, nor above Ten Days after the Date thereof, and hold a Court for examining the Prisoner, and all Witnesses and Circumstances relating to the Matters whereof he or she shall be accused, and to consider whether, as the Case shall appear to them, he or she may be tried in the County, or must be removed from thence to be tried at the General Court; which Warrant the said Sheriff is hereby required to obey and execute, and by Virtue thereof the said Justices may lawfully meet and hold Court for the Intents herein mentioned, and if, upon Examination before the said Court, they are of Opinion, that the Prisoner ought to be tried for the Fact, whereof he or she is accused, before the General Court, they shall signifie the same by entring such their Opinion upon Record in the said Court, and shall remand the said Prisoner to the County Goal, and thereupon it shall be lawful for any Two Justices of the said Court, whereof One shall be of the *Quorum*, by Precept under their Hands and Seals, signifying the true Cause of

A.D.1705. of Commitment, directed to the Keeper of the Publick Goal at the City of *Williamsburgh*, to remove the said Prisoner, and commit him or her to the said Publick Goal, there to remain until he or she shall be thence delivered by due Course of Law, by Virtue whereof the Sheriff of the said County shall, as soon as he can conveniently, remove the Prisoner to the said Publick Goal, and shall deliver him or her, together with the said Precept, to the Keeper thereof, who is hereby required to give due Obedience thereunto, and to receive, and in his Custody safely to keep such Prisoner, so delivered unto him by Virtue thereof. And for the better Enabling the said Sheriff to perform his Duty herein, it shall be lawful for the said Two Justices, as aforesaid, by Warrant under their Hands and Seals, to impower the said Sheriff, as well within his own County, as in all other Counties through which he shall have Occasion to pass with the said Prisoner, to impress such and so many Men, Horses, Sloops or Boats, as shall be necessary for the safe Conveying the said Prisoner to the Publick Goal aforesaid; which Warrant the said Sheriff is hereby authorized and impowered to put in Execution, and all other Persons are required to give due Obedience thereunto, so as the said Sheriff shall proceed therein in Manner as is directed by Law upon such Impressing in other Cases.

PROVIDED nevertheless, That when any Prisoner shall by the Court be remanded to the County Goal, as aforesaid, if the Offence be of such a Nature, as the Prisoner may be admitted to Bail, then and in such case he or she shall not be removed out of the County to the said Publick Goal in less than Twenty Days after such Remanding, to the End that in that Time Bail may be procured and given in the County.

PROVIDED always, That nothing herein contained shall be construed so as to exclude or hinder any Person from being admitted to Bail after his or her Removal into the said Publick Goal, in such Case as by Law he or she may be Bailable.

AND be it further Enacted, That if, upon the first Commitment of any Prisoner to the County Goal, he or she shall desire any Witnesses, on his or her Behalf, to be examined at the said County Court, then the Sheriff, upon his or her Request, is hereby required to summon such Witnesses to appear at the said Court accordingly; and if, after being remanded to Goal, as aforesaid, the Prisoner shall desire any Witnesses to appear at the Trial in the General Court, then the Clerk of the said General Court, at his or her Request, or at the Request of any other Person in his or her Behalf, shall issue *Subpœna*'s for the Summoning such Witnesses to appear accordingly.

AND be it further Enacted, That, in the Time of the General Court, it shall be lawful for the Keeper of the Publick Goal, being thereto impowered by Order of the said Court, to impress such and so many Persons, as shall be necessary for the guarding and safe keeping of all such Prisoners as shall be and remain committed to his Custody.

AND be it further Enacted, That the Fees due to the Sheriff for such Removal of any Prisoner, as aforesaid, from the County Goal to the Publick Goal, shall be after the Rate of One hundred Pounds of Tobacco for every Twenty Miles Distance; and the Fees to the said Sheriff and Keeper of the Publick Goal, for Keeping and Dieting any Prisoner in their Goal, shall be Five Pounds of Tobacco for each Day, and no more.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An

A.D. 1705.

An Act for Making, Clearing, and Repairing the Highways, and for Clearing the Rivers and Creeks. N° 39.

FOR the more convenient Travelling and Carriage by Land of Tobaccoes, Merchandizes, or other Things within this Dominion, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That where the same is not already done, publick Roads shall be laid out by the Surveyors of the Highways, in their several Precincts, in such Places, as shall be most convenient for passing to and from the City of *Williamsburgh*, the Court-house of every County, the Parish-Churches, and such publick Mills and Ferries, as now are, or hereafter shall be erected, and from one County to another; and that the Highways already laid out, together with such as shall hereafter be laid out by Virtue of this Act, shall, at all Times hereafter, be kept well cleared from Woods and Bushes, and the Roots well grubbed up, at least Thirty Foot broad. And if any Person shall at any Time hereafter fall any Tree or Trees into such Highway, and shall not cut the same away again within the Space of Forty eight Hours after such falling, or shall make any Fence into the Highway, the Person so offending shall forfeit and pay, for every such Offence, the Sum of Ten Shillings, current Money, to the Informer, to be recovered with Costs upon Information made to a Justice of the Peace of the County where the Offence is committed.

PROVIDED neverthelesss, and it is the true Intent and Meaning of this Act, That it shall be in the Power of any County Court, by their Order, to direct the Alteration of the publick Road, or the making of new Roads in such Places, as to them shall seem convenient.

AND for Assistance to lay out and clear the Highways, as aforesaid, Be it Enacted, That all Male labouring Persons, that are Tythable, shall, when thereunto required by the Surveyors of the Highways, assist the said Surveyors in laying out and clearing the Highways; and if any Male labouring free Tythable Person, being so required, shall fail to go and assist therein; or if the Master or Owner of any labouring Tythable Person or Persons, being required to send such Tythable Person or Persons to assist, as aforesaid, shall fail to send accordingly such free Person, shall, for such Failure, forfeit and pay Five Shillings, current Money; and such Master or Owner, for every such Tythable Person, as he fails to send, shall forfeit and pay Five Shillings, like Money, to the Informer, to be recovered with Costs, as aforesaid.

PROVIDED neverthelesss, and it is hereby Enacted, That any Justice of the Peace, to whom any Information shall be made of any such Failure, shall have Liberty, upon hearing the Cause of the Failure, to give Judgment for the Defendant, in case such Cause appear to him to be reasonable; which Judgment shall be sufficient to acquit him from the Forfeiture aforesaid. And if any Surveyor of the Highways shall fail to perform his Duty, as the same is or shall be directed in this Act, such Surveyor shall forfeit and pay Fifteen Shillings, current Money, to the Informer, to be recovered with Costs, as aforesaid.

AND be it further Enacted, That every Surveyor of the Highways shall have Power, and be obliged, with the Assistance aforesaid, to make Bridges in all necessary Places within their respective Precincts, which shall be at least Ten Foot broad, and level and passable, and also shall, from Time to Time, keep the same in good Repair; and if it shall so happen, that there be Occasion for a Bridge over any Place, where the Surveyors, with the Assistance aforesaid, cannot make it, then the County Court shall have Power, and be

A.D. 1705. obliged to covenant with some skilful Workman, for the making thereof; and also they are hereby impowered to lay a County Levy upon the Poll to pay for the same. And if such a Bridge shall be wanting over any Place, which lies between Two or more Counties, then the Court of each County shall joyn in the Agreement, and shall have Power to lay a County Levy for the Payment thereof, proportionable to the Number of Tythables in each County. And every Person, having a Plantation, is hereby directed and required to make a convenient Passage for Man and Horse, to go to his Dwelling-house, and, from Time to Time, keep it in Repair, upon Pain of forfeiting and paying to the Informer, for his Neglect in making such Passage, Ten Shillings, current Money, and also Ten Shillings for every Six Months such Passage shall not be made, or being made, shall continue unrepaired, to be recovered with Costs, as aforesaid.

And for the greater Conveniency of such Persons, as inhabit upon Plantations far distant from Rivers and Creeks, Be it Enacted, That all such Landing-places, as have Store-houses, commonly called Rolling-houses, built at or near them, or have heretofore been commonly used for bringing Tobaccoes unto, and to which there are plain Roads already made, shall be held and accounted publick Landings; and the Roads to such Landings, or any other publick Landings hereafter to be appointed by the County Courts, shall be kept in Repair sufficient for Carts to pass to and from the same.

And be it further Enacted, That at some Court, between the last Day of *April* and first Day of *August* yearly, the Court shall appoint Surveyors of the Highways, and also such Persons, as to them shall seem most proper, to clear the Rivers and Creeks, within their respective Precincts, from all Trees, Roots, or other Things, which may be dangerous to any Boat, Sloop, or other Vessel passing up or down the same: And if any Court shall fail to perform their Duty therein, such Court shall forfeit and pay Two thousand Pounds of Tobacco to him or them that will inform and sue for the same, to be recovered with Costs. And if any Person, so appointed to clear the Rivers and Creeks, shall fail to perform his Duty herein, some Time in the Months of *March* and *October* yearly, he shall forfeit and pay the Sum of Fifteen Shillings, current Money, to the Informer, to be recovered with Costs before a Justice of the Peace. And if any Person shall fall any Tree into any River or Creek, and not immediately clear the same away again, he shall forfeit and pay for the first Offence Ten Shillings, current Money, and for every such Offence after the first, Fifteen Shillings, of like Money, to the Informer, to be recovered with Costs before a Justice of the Peace.

And be it further Enacted, That if any Person shall set, or cause to be set, a Wear in any River or Creek, such Person shall cause the Stakes thereof to be taken up again, as soon as the Wear becomes useless: And if any Person shall fail of performing his Duty herein, he shall forfeit and pay Fifteen Shillings, current Money, to the Informer, to be recovered with Costs before a Justice of the Peace.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to clearing, making, and repairing the Highways, and for clearing the Rivers and Creeks, or any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An

A.D. 1705.

An Act for Regulating Ordinaries, and Restraint of Tipling-houses.

No 40.

FOR Regulating the Abuses of Ordinaries and other Houses of Entertainment, and Restraint of Tipling-houses, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all Persons whatsoever retailing Liquors shall sell the same by sealed Measures, and no other; and that all licensed Ordinary-keepers, or Keepers of Houses for publick Entertainment, be provided therewith, *viz.* with Gallon, Pottle, Quart, Pint, and Half-pint, sealed Measures, on Penalty of forfeiting and paying to the Informer Ten Shillings, current Money, with Costs, to be levied by Distress by Virtue of a Warrant from a Justice of the Peace of the County where the Offence shall be committed.

PROVIDED always, That all Person or Persons whatsoever, who shall retail Liquors in any publick House or Houses, shall have Liberty to sell any Liquors in Bottles, the said Bottles being sold for no more than they hold or contain.

AND be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That whoever shall retail Liquors in their Houses without Licence first had and obtained according to the Directions of this Act, shall forfeit and pay Two thousand Pounds of Tobacco, and that the Method of obtaining such Licence be as followeth: Whoso intends to set up an Ordinary, or House of publick Entertainment, let him petition the County Court, and they, by their Discretion, shall judge whether it is convenient to suffer such a House to be set up, and whether the Person petitioning be of Ability sufficient to comply with the Intent of the Law, in providing convenient Lodging and Diet for Travellers, and Pasturage, Fodder, Provender and Stableage for their Horses, as the Season shall require, and upon Security also, as therein is directed, to grant or reject the same accordingly. For the said Court shall not, under Pretence of keeping any poor Body from the Parish Charge, give them any Power of selling Drink, as hath been some Time done, and is found very prejudicial; but shall only grant Licence to such as seem to them to be of Ability to find and provide continually all Things necessary for Entertainment, and have Housing fitting for the same, according to the Intent of this Act. And the said Petition being approved, the Court shall then take Bond of the Party petitioning, with good and sufficient Security in the Sum of Ten thousand Pounds of Tobacco, payable to the Queen, and with Condition annexed, to find and provide constantly good, wholsom, and cleanly Lodging and Diet for Travellers, and Stableage, Fodder and Provender, or Pasturage, as the Season shall require, for their Horses, with such other Conditions, as the Form of the Bond, set down in this Act, shall specifie.

KNOW all Men by these Presents, That we A. B. *and* C. D. *are held and firmly bound unto our Sovereign Lady* Anne, *by the Grace of God, of* England, Scotland, France, *and* Ireland, *Queen, Defender of the Faith, &c. in the Sum of Ten Thousand Pounds of Tobacco, convenient in the said County of* E. *To which Payment, well and truly to be made to our said Sovereign Lady the Queen, her Heirs and Successors, we bind our selves, and every of us, our, and every of our Heirs, Executors and Administrators, joyntly and severally, firmly by these Presents. In Witness whereof we have hereunto set our Hands and Seals the ——— Day of ———*

THE

A.D. 1705.

THE Condition of this Obligation is such, That whereas the above bound A. B. *hath obtained a Licence to keep an Ordinary at ——— if therefore the said* A. B. *doth constantly find and provide , in his said Ordinary, good, wholsom, and cleanly Lodging and Diet for Travellers, and Stableage, Fodder and Provender, or Pasturage and Provender, as the Season shall require, for their Horses, for and during the Term of One Year from the ——— Day of ——— and shall not suffer or permit any unlawful Gaming in his House, nor on the Sabbath-day suffer any Person to tipple or drink more than is necessary; then this Obligation to be Null, Void, and of none Effect; otherwise to be and remain in full Force, Power and Virtue.*

The Bond and Security being thus taken, the Court may grant their Order, and the Clerk shall thereupon prepare a Licence, and present it to the first Justice of the Peace for that County, who shall sign the same, and that Licence to continue and be of Force for One Year only from the Date of the said Order, and no longer.

AND be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That there be paid, by the Party obtaining such Licence, Thirty five Shillings, current Money of *Virginia*, for the Use of the Governor or Commander in chief of this her Majesty's Colony and Dominion for the Time being.

AND also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Ordinary-keeper shall permit in his House unlawful Gaming, or shall suffer any Person or Persons on the Lord's Day, or any other Day set apart by Publick Authority for Religious Worship, to tipple in his House, or drink more than is necessary, or shall harbour or entertain any Seamen or Servants contrary to the Intent and Meaning of this Act, it shall and may be lawful for any Two Justices of the Peace, whereof One to be of the *Quorum*, upon their own View or Knowledge, or upon Proof made to them by the Oath of One credible Witness, to suppress the said Ordinary until the next succeeding Court; and upon Certificate made by the said Two Justices of the said Offence, and further Inquiry into the same, the said County Court shall either disable the Offender from keeping Ordinary thereafter, until they shall think fit to grant him a new Licence, or to restore him to keep Ordinary upon the former Licence, as they shall see Cause. And if any Ordinary-keeper shall presume to sell or retail any Liquor after he hath been so discharged by the aforesaid Two Justices, and before he be restored by the Court, he shall be liable to all the Penalties and Forfeitures, as if he had never obtained a Licence.

AND also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Justices of each County shall annually, at their Court in *March*, set and rate the Prices that Ordinaries shall entertain and sell at, that is, of Liquors according to the Measures afore-mentioned, and of Diet, Lodging, Fodder, Provender, and Pasturage, upon Penalty of forfeiting and paying Five thousand Pounds of Tobacco.

PROVIDED always, That if any County Court, failing to set the Rates aforesaid in *March*, because a sufficient Number of Justices did not meet then, shall, at the next Court held for the said County, do the same, they shall not be culpable by this Law.

AND be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Ordinary-keeper shall ask, demand, receive or take greater Prices for any Drink, Diet, Lodging, Fodder, Provender or Pasturage, than shall be set down and rated by the Justices of the County according to this Act, he or she shall, for every such Offence, forfeit and pay Ten Shillings to the Informer, to be recovered with Costs before a Justice.

AND

AND be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That every Ordinary-keeper within this her Majesty's Colony and Dominion shall, within One Month after the Rates shall be so set by the County Court where the Licence was granted, obtain of the Clerk of the said Court a fair Table of the Rates and Prices set by the Court; which being so obtained, shall be openly set up in the common Entertaining Room of the said Ordinary, and there continually kept during the whole Year, and until the Rates shall be again set by the Court; and every Ordinary-keeper failing herein, shall forfeit and pay Two thousand Pounds of Tobacco: One Half of all which Fines and Forfeitures before-mentioned, and not otherwise disposed of, to be to the Queen, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed. *A.D.* 1705.

AND also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person, contrary to the true Intent and Meaning of this Act, shall presume to keep a Tipling-house, or retail Liquors, as aforesaid, without Licence, and, being thereof lawfully convicted, shall not pay down the said Fine of Two thousand Pounds of Tobacco, or forthwith, upon such Conviction, give Security to pay the same at the Crop, he or she so offending shall immediately, by Order of the Court before whom such Conviction shall be, receive at the publick Whipping-post, on his or her bare Back, Twenty one Lashes well laid on, in lieu of paying the said Fine of Two thousand Pounds of Tobacco; and then also the Informer not to be chargeable with any Fees accrued by reason of such Information.

AND forasmuch as the unlimited Credit given by Ordinaries and Tipling-houses within this her Majesty's Colony and Dominion to Seamen and others, where they spend not only their ready Money, but their Wages and other Goods, which should be for the Support of themselves and Families, is found prejudicial, and occasions many Persons newly Free to run away to the neighbouring Plantations, to the great Disadvantage of this Country; Be it therefore Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Ordinary-keeper or Master of a Tipling-house shall, after Publication of this Act, trust or sell Drink to any Sailer in Actual Pay on Board any Ship, for any Value whatsoever, upon Credit, or to any Person or Persons, who are not Masters of Two Servants, or visibly worth Fifty Pounds Sterling at least, more than the Value of Three hundred Pounds of Tobacco, such Ordinary-keeper or Master of a Tipling-house shall lose all such overplus Tobacco and Money, for which they shall give such Credit: And in case any Ordinary-keeper or other Master of a Tipling-house shall take or get from any Person, trusted as aforesaid, any Obligation, Bill, or other Security, for any Sum above Three hundred Pounds of Tobacco spent in One Year, under Pretence that it is for other Goods, the said Ordinary-keeper shall forfeit his Licence, and also double the Sum of such Obligation so covenously taken; one Half to her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; the other Half to him or them that shall inform or sue for the same in any Court of Record in this her Majesty's Colony and Dominion; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, shall be allowed.

AND also be it further Enacted by the Authority aforesaid, That if any Ordinary-keeper whatsoever within this Colony shall harbour, entertain, or sell any Liquors to any Sailer in actual Pay on Board any Ship, or any Servant belonging to any Person within this Colony, without Licence from their respe-

A.D. 1705. ctive Masters, such Ordinary-keeper shall, for every such Offence, forfeit and pay Ten Shillings to the Master of the Ship the Sailer belongs to, or Master of such Servant; to be recovered, with Costs, upon Complaint of the said Master before a Justice of the County where the said Ordinary-keeper lives.

PROVIDED, That this Act, or any Thing therein contained, shall not extend to the Ordinary-keepers of the City of *Williamsburgh* giving Credit to any Person whatsoever in the Time of the General Court, or during the Sitting of a General Assembly; any thing aforesaid to the contrary notwithstanding.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Regulating Ordinaries, and Restraint of Tipling-houses, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

N° 41.

An Act for Encouragement of Building Water-Mills.

FOR Encouragement of Persons to build Water-Mills, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any Person or Persons, willing to build any Water-Mill on some convenient Run, hath Land only on one Side of the Run, and the Owner of the Land on the other Side shall refuse to let him have an Acre of Land adjoyning at a reasonable Rate for the Conveniency of the same, the Court of the County, wherein such Land shall lie, upon Petition of the Party so refused, are hereby impowered and required to order Two Commissioners, or such other credible Persons, as they shall think fit, to view the said Land, and if it take not away Housing, Orchards, or other immediate Conveniencies, to value the same, and put the Party (who desires to build the Mill) in Possession thereof; which way of Possession, in such case, shall be good and available to create a Fee-Simple in the said Acre of Land to the Person so going about to build the Mill, and his Heirs: Provided always, That the Person, so being put in Possession, forthwith pay down the Money to the Owner thereof upon such Valuation. And Provided also, That the said Person, so being put in Possession, shall within One Year begin to build a Water-Mill, and finish the same within Three Years, and shall thereafter keep up the same for the Use and Ease of all such as shall be Customers to it, otherwise the said Land shall return to the Person from whom it was taken, or to such other Persons as shall have his Right.

PROVIDED always, That if any Water-Mill, belonging to any Person within the Age of Twenty one Years, Feme-Coverts, *Non compos mentis*, or Imprisoned, be let fall, burnt, or destroyed, that then such Person or Persons, and their Heir and Heirs, shall have Three Years to rebuild and repair such Mill after his or their full Age, Discoverture, coming of sound Mind, Inlargement out of Prison, or Death.

AND also for a further Encouragement, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That when there shall be a publick Mill standing upon any Run, there shall not be another Mill or Dam built upon the same Run below such Mill within a Mile thereof, nor upon the same Run above such Mill, without the Particular Leave of the General Court or County Court, in which such Mill is intended to be set.

PROVIDED

Provided, That this Act, or any Thing therein contained, shall not be construed to prohibit the Carrying on and Finishing any Mill now begun upon any Run, where another Mill is standing, but that the same may be done in such Manner, as it might have been before this Act.

Provided also, That where any Owner or Owners of a Mill already built, or that shall hereafter be built on any Run, shall conceive himself injured by the building of a Water-Mill by any Person or Persons on the same Run, it shall and may be lawful for the Party injured, to bring his Action on the Case against the Owner or Owners of such latter built Mill, in the same Manner as he might have done before the making of this Act; any thing herein contained to the contrary, or seeming to the contrary, in any wise notwithstanding.

And for Prevention of Abuses by evil-minded, covetous, and exacting Millers, or Owners of Mills, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That all Millers shall grind according to Turn, and shall well and sufficiently grind the Grain brought to their Mills, and shall take no more for Toll or Grinding, than One eighth Part of Wheat, and One sixth Part of *Indian* Corn; and every Miller, or Keeper of a Mill, making Default herein, *viz.* not grinding according to Turn, not well and sufficiently grinding the Grain, or exacting more for Toll, than herein is set down and allowed, shall, for every such Offence, forfeit and pay Fifteen Shillings to the Party injured, to be recovered with Costs before a Justice of Peace of the County where such Offence is committed.

Provided always, That it shall be in the Power of the Owner of any Mill to grind, or cause to be grinded, his own Grain at any Time he thinks fit; any thing in this Act to the contrary notwithstanding.

And for the better Discovery of such exacting Millers, Be it Enacted by the Authority aforesaid, and it is hereby Enacted, That all Millers shall keep in their Mills these several Measures, either of *English* sealed Measures, or sealed by the Court of the County wherein such Mill shall be, *viz.* a Bushel, Half-bushel, and Peck, and shall measure all by Strike-measure, and use no Toll-dish, but what shall be also sealed by the County Court, who are hereby impowered and required, at the County Charge, to provide an Iron-brand for the said Uses; and every Owner of a Mill, by himself or Servant, keeping such Mill, and failing to provide such Measures and Toll-dishes, shall, for such Failure, forfeit and pay Fifteen Shillings to the Informer, to be recovered with Costs before a Justice of Peace of the County where such Failure shall happen. And if any Miller, keeping a Mill, shall be a Servant or Slave, then the Master or Owner shall be answerable for the Defaults of such Servant or Slave in the Cases aforesaid; and where the Master shall live out of the County, and have no known Attorney in the County for that Purpose, upon Complaint made for any of the Abuses aforesaid, the Appearance of such Servant or Slave before the Justice, shall be deemed a sufficient Appearance for the Justice to proceed against the Master or Owner, as if the Master or Owner appeared in Person: But if the Master or Owner shall live in the County, or have a known Attorney in the County for that Purpose, then the Appearance of them shall be required.

Provided nevertheless, That where a Mill is kept by a Slave or Imported Servant, that shall refuse to grind according to Turn, or that shall grind Grain insufficiently, or that shall exact more for Toll than is allowed by this Act, such Servant or Slave, for his first Offence, shall have Thirty Lashes, and for his second Forty Lashes on his bare Back, well laid on, in lieu of the Penalty or Forfeiture given by this Act. But in case such Servant or Slave be a third time guilty of any the said Offences, then the Master or Owner of such Servant or Slave shall be liable to pay for the same, according to this Act, and for every Offence such Servant or Slave shall afterwards commit in Breach of this Act.

And

A.D. 1705. And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Water-Mills, or any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No 42. Repeal'd, 1709.

An Act for Establishing Ports and Towns.

No 43. Obsolete.

An Act continuing the Act directing the Building the Capitol and the City of Williamsburgh, *with Additions.*

No 44.

An Act for Confirming Titles to Town Lands.

WHereas an Act, made at a General Assembly begun at *James-City* the Sixteenth Day of *April*, One thousand six hundred ninety and one, Intituled, *An Act for Ports*, &c. stands suspended: And forasmuch as, pursuant to the said Act, divers Tracts of Land have been purchased and laid out for Ports and Towns, in the respective Places appointed by the said Act, and vested in Trustees, many of which have conveyed Lots or Half-Acres therein to several Persons, who have built thereon, and have made considerable Improvements; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That where any County or Counties have purchased, laid out and paid for any Lands for Ports, or Towns, pursuant to the said Act, for Ports, *&c.* or to any other Act of Assembly, and have vested the same in Feoffees or Trustees, according to the said Act or Acts, such Feoffees or Trustees so invested, are hereby declared to have a good, absolute and indefeasible Estate in Fee in such Lands respectively, which have not been disposed of by the former Trustees in Trust and Confidence to and for the Uses in the said Act for Ports, *&c.* mentioned, and for no other Use or Purpose whatsoever; and the said Land or Lands are hereby confirmed to the said Feoffees or Trustees in Fee to such Use or Uses; any thing in the said Suspension, or any other Law, Statute, Usage or Custom to the contrary in any wise notwithstanding.

And be it further Enacted, That where any County or Counties, pursuant to the said Act for Ports, or any other Act of Assembly, have purchased, laid out and paid for Fifty Acres of Land, and the same, by the Death or Refusal of the Proprietor, or other Accident, hath not been conveyed to Trustees, according to the said Law or Laws, such Land or Lands shall be, and are hereby confirmed to such Feoffees or Trustees, as hereafter, by Virtue of this Act, shall be appointed by the County Courts, to and for the Uses aforesaid, in as full and ample Manner, as if the said Land or Lands had been really and actually conveyed in Law by such Proprietors to such Feoffees or Trustees in Manner as by the said Act for Ports is expressed.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if in any County the Feoffees or Trustees already appointed by Virtue of the said Act for Ports, be dead, or departed out of this Country, the County Courts of such respective County is hereby impowered and required to appoint other Feoffees or Trustees, who are hereby invested and confirmed in the Fee of all such Land or Lands (not by former Trustees disposed of) to the Use or Uses afore-mentioned, and to no other Use or Purposes whatsoever. And all Feoffees or Trustees, by Virtue of the said Act for Ports, *&c.* already made, or, by Virtue of this Act, hereafter to be made, are hereby impowered and required, in their respective County, to convey and make over any Lot or Lots, Half-Acre or Half-Acres, of Land to such Person or Persons, as shall desire to take up the same, according to the said Act for Ports, and upon the Conditions therein specified, as if the said Act for Ports had never been suspended; any Law, Statute, Usage or Custom to the contrary notwithstanding. *A.D.* 1705.

AND be it further Enacted, That if any Person or Persons have purchased and paid for any Lot or Lots, Half-Acre or Half-Acres of Land, in any of the said Places, of any Feoffees or Trustees, pursuant to the said Law, and have fully complied with the Conditions in the said Law mentioned and set down, such Person or Persons are hereby declared to be invested with, and have a good, absolute and indefeasible Estate in Fee to such Lot or Lots, Half-Acre or Half-Acres of Land, and the same is hereby confirmed in Fee to such Person and Persons, and to his and their Heirs for ever.

An Act for Naturalization. No 45.

WHereas nothing can contribute more to the speedy Settling and Peopling of this her Majesty's Colony and Dominion, than that all possible Encouragement should be given to Persons of different Nations to transport themselves hither, with their Families and Stock, for to settle, plant, or reside, by investing them with all the Rights and Privileges of any of her Majesty's Natural Free-born Subjects within this Colony; Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the Governor or Commander in chief of this Colony and Dominion for the Time being, by a Publick Instrument, or Letters Patent under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled or Inhabitants in this Colony, or which shall hereafter come to settle, plant, or reside therein, upon his, her, or their taking before him the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Oath mentioned in an Act, Intituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, Intituled, *An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of* Wales, *and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined, and subscribing the Test*, to be, to all Intents and Purposes, fully and completely naturalized; and that all Persons, having such Publick Instrument, or Letters Patent, shall, by Virtue of this Act, have and enjoy, to them and their Heirs, the same Immunities and Rights of, and unto the Laws and Privileges of this Colony and Dominion, as fully and amply, as any of her Majesty's Natural-born Subjects have or enjoy within the

A.D. 1705. ſame, and as if they themſelves had been born within any of her Majeſty's Realms or Dominions; any former Act, Law, Ordinance, Uſage or Cuſtom to the contrary notwithſtanding.

AND to the Intent the ſaid Publick Inſtrument or Letters Patent under the Broad Seal of this Colony, as aforeſaid, may be obtained without any great Difficulty or Charge, Be it further Enacted, That the Governor or Commander in chief of this Colony and Dominion, granting ſuch Publick Inſtrument or Letters Patent, ſhall have and receive for the ſame, Forty Shillings, and his Clerk, for Writing of it, Ten Shillings, and no more.

AND whereas ſeveral Aliens and Foreigners, that have formerly tranſported themſelves to this her Majeſty's Colony and Dominion, and have taken up and patented, in their own Name, ſeveral Parcels of Land, or otherwiſe made Purchaſe of Lands, Houſes, Tenements, or other Real Intereſt, and have afterward ſold the ſame to ſome of her Majeſty's Liege People or Inhabitants of this Colony and Dominion; It is hereby further Enacted, That all Perſons, which have purchaſed and held, under any ſuch Alien or Aliens, any Lands, Houſes, or Tenements, be ſecured, and, by Virtue of this preſent Act, for ever be confirmed in the quiet and peaceable Poſſeſſion of the ſaid Purchaſes, unto them and their Heirs for ever; any former Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

PROVIDED, That nothing in this Act contained ſhall be conſtrued to enable, or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which by any of the Acts made in *England* concerning her Majeſty's Plantations, he is diſabled to do or execute.

No 46. Confirm'd, 1708.

An Act for Improving the Staple of Tobacco, and for Regulating the Size and Tare of Tobacco Hogſheads.

BE it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly; and it is hereby Enacted and Declared by the Authority of the ſame, That all tending of Seconds for Tobacco is hereby forbid; and that whoſoever ſhall tend, or cauſe or ſuffer to be tended, any Seconds, ſhall forfeit and pay Five hundred Pounds of Tobacco for every Tithable Perſon he ſhall have or employ that Year upon the Plantation, where the Seconds ſhall grow.

PROVIDED That where any Perſon or Perſons ſhall intruſt his or their Plantation or Plantations, and the Servants and Slaves thereon, to the Management of an Overſeer, being a Freeman, the Owner of ſuch Plantation, Servants and Slaves, ſhall not be liable to Proſecution for any Breach of this Act; but ſuch Overſeer, tending, or cauſing or ſuffering to be tended, any Seconds, ſhall incur the ſaid Penalty of Five hundred Pounds of Tobacco for every Tithable Perſon that ſhall be employed that Year upon the Plantation under his Charge, where ſuch Seconds ſhall grow, as aforeſaid.

AND be it alſo Enacted by the Authority aforeſaid; and it is hereby Enacted, That whoſoever ſhall hereafter pack, or cauſe to be packed, any Hogſhead of Tobacco, they pack, or cauſe the ſame to be packed fairly, and without Deceit, and equally good throughout, as it appears at the Head. And that if any Perſon or Perſons whatſoever ſhall pay away or put to Sale, or offer to pay away or put to Sale, any Hogſhead of Tobacco, which he hath deceitfully, or hath cauſed or ſuffered to be deceitfully packed, by putting there-

thereinto any Stones, or intermingling therewith any Dirt, Sand, Tobacco Stalks, Stems, Seconds, ground Leaves, or other Trash whatsoever, shall forfeit, for every Hogshead so deceitfully packed, One thousand Pounds of Tobacco. A.D. 1705.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That when any Plaint or Information shall be made, or Suit brought to any Court, concerning the false Packing of a Hogshead of Tobacco, the Court shall forthwith appoint Two or Three Men, who are reputed to be skilful Planters, to search and view the said Hogshead of Tobacco, and to make Report upon Oath to the Court, how they find the same, and whether, in their Opinion, it be fairly packed, as this Act directs, and their Report therein shall be admitted as good Evidence at the Trial: Provided, That Five Pounds Weight, and no more, be allowed in One Hogshead for Sand, Dust, and mean Tobacco, to wit, such Tobacco as is not passable by itself without better joyned with it.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Creditor shall omit to demand or receive a Tobacco Debt by the last Day of *January*, it shall be lawful for the Debtor, at any Time in *February*, to apply himself to Two Justices of the Peace of the County, to make a Tender of the Tobacco he owes, according to the Tenor of the Specialty or Bargain by which it appears due; which said Two Justices shall be, and hereby are impowered and required to appoint, without Delay, Three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco; and if they find it merchantable and packed fairly, according to the Direction of this Act, they shall weigh and mark the same for the Use of the Creditor, on whose Account and Hazard it shall thereafter lie; and upon producing Certificate from the said Justices of the said Tender to the next County Court, and that the Tobacco is found good and fairly packed, as the Law directs, the said Court is hereby authorized and impowered, by their Order, to discharge the Debtor from his said Debt, provided the said Tender was made in Place according to Specialty; and provided, that the said Debtor still endeavour to secure and preserve the said Tobacco, as before the Tender, and as it were still his own.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Debtor, making Tender, as aforesaid, shall bear and defray the Charge accruing thereby, and that each Viewer shall be allowed Twenty Pounds of Tobacco *per* Day.

And also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That every Tobacco Hogshead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, and which hath been hewed Three Months at least before the setting up, and shall be set up in strong and substantial Hoops, the Stave shall be in Length Forty eight Inches, and no more, and at least One third of an Inch in Thickness on the thinnest Edge thereof; the Size of the Head on the Inside shall be Thirty Inches, and no more, in Diameter.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That all and every Cooper and Coopers, or other Persons intending to set up Tobacco Hogsheads, do go before a Justice of the Peace for the County where he dwells, and make Oath, That he shall not willingly or wittingly set up any Tobacco Hogsheads of a larger Size than is herein directed, and also to tare, or cause to be tared, with a Marking-Iron or Branding-Iron, every Tobacco Hogshead, that by him shall be set up, with the true Weight thereof on the Bulge and Head of the Hogshead, together with the first Letter of his Proper Name and Sirname, and shall take a Certificate from the said Justice of such Oath so made; and if any Person or Persons shall employ any Negro, Mulatto, or other Servant, in making Tobacco Hogsheads, such Employer shall go

A.D. 1705 go before a Justice of the Peace for the County where he or she dwells, and make Oath, That he or she, so employing the said Negro, Mulatto, or other Servant, shall not willingly nor wittingly suffer or permit any Tobacco Hogsheads to be set up for them of a larger Size than is herein directed, but shall use their utmost Endeavours to prevent the same; and also, that what Hogsheads, by such Negro, Mulatto, or other Servant, shall be made or set up for him or her, shall be tared, and the Two first Letters of his or her Proper Name and Sirname set thereon, in Manner aforesaid, and shall also take a Certificate from the said Justice, of such Oath made.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Cooper, Coopers, or any other Person or Persons, set up Tobacco Cask contrary to this Act, or shall pay away, put to Sale, or put, or cause to be put on Board any Boat, Sloop, Ship, or other Vessel, in order to Exportation, any Tobacco whatsoever packed in Cask, of a greater Size than is herein before expressed and set down, or that is made of less seasoned Timber, or Staves thinner than before directed, or that is not tared with their just Weight, as before in this Act is enjoyned, or shall presume to set the Tare upon any Hogshead before Oath made, and a Certificate obtained, as aforesaid, such Cooper or Coopers, other Person or Persons, if free, and if not, the Employer shall, for every Tobacco Hogshead so made, paid away, put to Sale, or shipped, forfeit and pay the Sum of Five hundred Pounds of Tobacco; one Moiety of all the Fines and Forfeitures in this Act before-mentioned, shall be to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will sue or inform for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law, shall be allowed.

PROVIDED always, That every Justice of the Peace, before whom Complaint of the Breach of this Act shall be brought, shall be, and is hereby impowered to consider what any Tobacco Hogshead, after it hath lain some Time packed, may, by the Moisture of the Tobacco or Weather, increase in Weight, and give Judgment accordingly.

AND also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That the Buyer or Receiver of Tobacco in Cask, shall receive and take the same at the Tare thereon set, and allow Thirty Pounds of Tobacco for each Hogshead, notwithstanding any Bill, Bond, or Contract, expressing the same to be paid, with Cask, on Penalty of One hundred and fifty Pounds of Tobacco, payable to the Informer, and recoverable, with Costs, upon Complaint before any Justice of Peace of the County.

PROVIDED, That neither this Act, nor any thing therein contained, shall be construed to extend to Contracts, Grants, Rents, or Reservations of Cask, with the Tobacco, upon Leases for Land, but that the Cask shall and may be paid, received, demanded, sued for, and recovered, according to the Conditions, Contracts, Grants, and Reservations of the Rents, upon such Leases.

PROVIDED also, That this Act, nor any thing therein contained, shall be construed or intended to restrain or prohibit any Person or Persons from Freighting or Shipping of their own Tobacco in Hogsheads of a lawful Size, although the Hogsheads be not tared, nor any Oath made thereto, according to this Act, the Freighter or Freighters, Owner or Owners of the said Tobacco, neither directly nor indirectly, exposing the same to Sale in the Country.

PROVIDED always, That the Sheriffs and Collectors of Publick Dues shall allow, for all publick Tobaccoes paid in Hogsheads, to the Payer thereof, Eight *per Cent.* for Cask, instead of the Thirty Pounds of Tobacco *per* Hogshead, it being so raised in the Publick Proportion, as hath of long Time been accustomed; any thing in this Act to the contrary in any wise notwithstanding. *A.D.* 1705.

AND be it further Enacted by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Improving the Staple of Tobacco, and Regulating the Size and Tare of Tobacco Hogsheads, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An Act to prevent Ships sailing in Contempt of Imbargoes. No 47.

FOrasmuch as several Masters of Ships and Vessels in this Colony and Dominion have, in Contempt of Embargoes, sailed out of the Colony; and that such Practices may be of dangerous Consequence, by a Discovery of the State of the Colony, and the Trade here, in case any Ship or Vessel so sailing should happen to be taken by the Enemy: Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all Masters of Ships and Vessels, when they make their Entry, shall give Bond to the Naval Officer, according to the Burden of their Ships or Vessels, as followeth; If the Ship or Vessel be under One hundred Tuns, the Bond shall be for One hundred Pounds Sterling; if One hundred Tuns, and not Two hundred Tuns, the Bond shall be for Two hundred Pounds Sterling; if Two hundred Tuns, and upwards, the Bond shall be for Five hundred Pounds Sterling: To all which Bonds the Condition shall be, not to depart this Colony when any Imbargo is laid, during the Continuance of such Imbargo, and also to observe and follow such Rules and Directions, as shall be thought necessary to be given by the Government, for the making up of Fleets.

PROVIDED always, and it is the true Intent and Meaning of this Act, when any Imbargoes are laid on Ships and Vessels within this Dominion, That the Collectors or Naval Officers, upon Receipt of the Order for such Imbargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts, of the said Imbargo, and the Time of the Continuance thereof; and that no Bond whatsoever, required and given by Virtue of this Act, shall be adjudged, deemed or taken to be forfeited, unless Notice hath been given, as aforesaid, and Breach be made of the Condition of the said Bond after such Notice; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

AND be it Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

A.D. 1705.

Nº 48.

An Act concerning Marriages.

BE it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That no Minister or Ministers shall celebrate the Rites of Matrimony between any Persons, or joyn them together as Man and Wife, without lawful Licence, or Thrice Publication of the Banns, according as the Rubrick in the Common Prayer Book prescribes, which enjoyns, That if the Persons to be married dwell in several Parishes, the Banns shall be published in both Parishes; and that the Curate of the one Parish shall not solemnize the Matrimony, until he have a Certificate from the Curate of the other Parish, that the Banns have been Thrice published, and no Objection made against the Parties joyning together. And if any Minister or Ministers shall, contrary to the true Intent and Meaning of this Act, celebrate the Rites of Matrimony between any Persons, or otherwise joyn them in Marriage, he or they so offending shall, for every such Offence, be imprisoned, without Bail or Mainprize, by the Space of One whole Year, and also shall forfeit and pay Five hundred Pounds, current Money of *Virginia*. And if any Minister, contrary to the true Intent and Meaning of this Act, shall go out of this her Majesty's Colony and Dominion, and there joyn together in Matrimony any Person or Persons belonging to this Country, without such Licence or Publication of Banns, as is herein prescribed, every Minister so offending shall incur the same Penalties and Forfeitures, as if the same had been done in this Colony.

PROVIDED always, and be it Enacted by the Authority aforesaid, That where any Parish or Parishes have not a Minister, it shall and may be lawful for the Clerk or Reader to publish the Banns of Matrimony between any Persons desiring the same; and if no Objection be made, to grant a Certificate thereof, and such Certificate shall be as sufficient for any Minister to solemnize the Rites of Matrimony, as if the same had been signed according to the Directions herein before-mentioned.

AND be it also Enacted, That if any Minister, Clerk or Reader shall grant a false Certificate, he shall suffer One Year's Imprisonment, without Bail or Mainprize, and be fined Five hundred Pounds Sterling, and shall also be liable to further Punishment, as in case of Forgery; and all such Offences may be prosecuted, tried and determined in any Court of Record in this Colony; which Courts are hereby impowered to hold Cognizance thereof, and to hear and determine the same according to the Course of Common Law, and upon Conviction of the Party accused, by Confession, Verdict, or otherwise, to award Execution, and inflict the Penalties provided by this Act for the same, and in such Case the said Offence may be alledged and laid in any County within this Colony.

AND be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That all Licences for Marriage shall be issued by the Clerk of the Court of that County, where the Feme shall have her usual Residence, and by him only, and in such Manner, and under such Rules and Directions, as are herein mentioned and set down; that is to say, He shall take Bond to our Sovereign Lady the Queen, her Heirs and Successors, with good Surety, in the Penalty of Fifty Pounds, current Money of *Virginia*, under Condition, that there is no lawful Cause to obstruct the Marriage for which the Licence shall be desired, and each Clerk failing herein, shall forfeit and pay Fifty Pounds, current Money of *Virginia*. And if either of the Persons, intended to be married, shall be under the Age of One and twenty Years, and not theretofore married, the Consent of the Parent or Guardian of every such Person under the Age of One and twenty Years, shall be personally given before the said Clerk

Clerk, or signified under the Hand and Seal of the said Parent or Guardian, and attested by Two Witnesses; all which being done, the Clerk shall write the Licence, and shall certifie specially the said Bond; and if the Persons in the Licence, or either of them, be under the Age of One and twenty Years, as aforesaid, he shall also certifie the Consent of the Parent or Guardian of such so under Age, and the Manner thereof, to the first Justice in Commission of the Peace for that County, or to such other Person, as shall be thereto commissionated by the Governor of this her Majesty's Colony and Dominion, or Commander in chief thereof for the time being; which Premisses being performed, the said Justice of the Peace, or other Person commissionated, as aforesaid, is hereby authorized, impowered and required to sign and direct the said Licence. And a Licence so obtained and signed, and no other whatsoever, is hereby declared to be a lawful Licence, according to the true Intent and Meaning of this Act. And if any County Court Clerk shall in any other Manner issue any Licence of Marriage, or, contrary to this Act, make Certificate for any Licence of Marriage; and if any Person whatsoever shall sign or direct a Licence of Marriage in any other Manner than is by this Act permitted and allowed, or without such Certificate from the County Court Clerk, as is by this Act prescribed, all and every Person and Persons so offending, shall be imprisoned, without Bail or Mainprize, by the Space of One whole Year, and moreover, shall forfeit and pay Five hundred Pounds, current Money of *Virginia*. A. D. 1705.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Woman-kind or Maiden, of the Age of Twelve Years or upwards, and under the Age of Sixteen Years, shall, contrary to the Will or Consent of her Parent or Guardian, and without Publication of the Banns, as aforesaid, consent and agree in her Marriage with any Person whatsoever, that then the next of Kin to such Woman-kind or Maiden, to whom the Inheritance should descend or come, shall have Right to enter upon, and take Possession of all the Lands, Tenements, Hereditaments, and all other Real Estate whatsoever, which the said Woman-kind or Maiden, at the Time of her said Marriage and Agreement, had in Possession, Reversion, or Remainder, and have, hold, occupy and enjoy the same to him, and the Representatives of his Stock, with all the Immunities and Privileges thereto belonging, during the Coverture; and that after the Determination thereof, the said Lands, Tenements, Hereditaments, and other Real Estate, and also the Possessions, Reversions, and Remainders thereupon, with all the Rights, Immunities and Privileges thereto belonging, shall then immediately vest, remain, and be in the said Woman-kind, so agreed and married, as aforesaid, and her Heirs, or such Person or Persons, as should have enjoyed the same, if this Act had never been made, other than the Person with whom she shall so consent in Marriage, with Power to them, and every of them, to re-enter and take Possession of the same; any thing herein contained to the contrary thereof in any wise notwithstanding.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Minister or Reader shall wittingly publish, or cause or suffer to be published, the Banns of Matrimony between any Servants, or between a free Person and a Servant; or if any Minister shall wittingly celebrate the Rites of Matrimony between any such, without a Certificate from the Master or Mistress of every such Servant, that it is done by their Consent, he shall forfeit and pay Ten thousand Pounds of Tobacco; and every Servant so married without the Consent of his or her Master or Mistress, shall, for his or her said Offence, serve his or her said Master or Mistress, their Executors, Administrators or Assigns, One whole Year after the Time of Service by Indenture or Custom is expired; and moreover, every Person being free, and so marrying with a Servant, shall, for his or her said Offence, forfeit and pay to the

Master

A.D. 1705. Master or Owner of such Servant, One thousand Pounds of Tobacco, or well and faithfully serve the said Master or Owner of the said Servant One whole Year in actual Service.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That the Clerk of each County Court, annually in *October*, send to the Governor or Commander in chief of this her Majesty's Colony and Dominion for the time being, an Account of the Marriage Licences issued by him, and also shall deliver to the Sheriff or Collector for the County, the Account of the Governor's Dues for the said Licences, to be collected by the said Sheriff or Collector for the Governor's Use; and each Clerk failing herein, to be fined One thousand Pounds of Tobacco.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That the Fees upon the said Marriages be as followeth, *viz.*

To the Governor or Commander in chief for the time being, for each Licence of Marriage, Twenty Shillings, or Two hundred Pounds of Tobacco.

To the Clerk of the County Court issuing the same, Five Shillings, or Fifty Pounds of Tobacco.

To the Minister, if by Licence, Twenty Shillings, or Two hundred Pounds of Tobacco.

If by Banns, Five Shillings, or Fifty Pounds of Tobacco.

To the Minister or Reader, for publishing Banns, and certifying the same, if required, One Shilling and Six Pence, or Fifteen Pounds of Tobacco.

And that these, and every of these said Fees, if not in ready Money, shall be paid at time of Year in Tobacco, of the Growth of the Parish where the Feme lives, and, upon Refusal of Payment, be leviable by Distress by such Officer or Person, and in such Manner, as is directed for Clerks Fees.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if the Bridegroom live out of the County where the Licence is granted, or if the Clerk of the County Court, making out such Licence, shall have Ground to suspect, that the Person taking out such Licence intends to remove out of the County before the Time of Payment of the aforesaid Dues, or is Insolvent, the said Clerk is hereby impowered and required, in such case, to demand and take Bond of every such Person or Persons, with good Security in the County, to pay all Fees accruing due by reason of such Licence at such Time, and in such Manner, as is herein before directed; and upon Refusal of Payment, the said Fees shall and may be levied on the Estate of the Security by Distress, as aforesaid.

And be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Minister shall refuse to celebrate the Rites of Matrimony for the Fees herein set down and allowed him, or shall exact greater or other Fees than are hereby allowed to the Minister, he shall forfeit and pay, for every such Offence, that is to say; Four thousand Pounds of Tobacco, if the Marriage was, or was to have been by Licence; and Five hundred Pounds of Tobacco, if by Banns; one Moiety of all the Fines, Forfeitures and Penalties in this Act before-mentioned, and not particularly appropriated, to be to her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed.

AND be it alſo Enacted by the Authority aforeſaid; and it is hereby Enacted, That if the Miniſter or Reader of any Pariſh ſhall refuſe to publiſh and certifie the Banns for the Fees herein ſet down and allowed him, or ſhall exact greater or other Fees than are hereby allowed for the ſame, he ſhall, for every ſuch Offence, forfeit and pay to the Party grieved One hundred and fifty Pounds of Tobacco, to be recovered with Coſts before a Juſtice of the Peace. A.D. 1705.

PROVIDED always, That the Miniſter, ſerving the Cure of any Pariſh, ſhall have the Benefit of the Perquiſites for Marriages, and Funeral Sermons in the ſaid Pariſh (if he do not neglect or refuſe to do the Service thereof) although another Miniſter be employed to do the ſame.

AND be it further Enacted, That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to any Matter or Thing whatſoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

An Act concerning Servants and Slaves. N° 49.

BE it Enacted by the Governor, Council, and Burgeſſes of this preſent General Aſſembly; and it is hereby Enacted by the Authority of the ſame, That all Servants brought into this Country without Indenture, if the ſaid Servants be Chriſtians, and of Chriſtian Parentage, and above Nineteen Years of Age, ſhall ſerve but Five Years; and if under Nineteen Years of Age, till they ſhall become Twenty four Years of Age, and no longer.

PROVIDED always, That every ſuch Servant be carried to the County Court within Six Months after his or her Arrival into this Colony, to have his or her Age adjudged by the Court, otherwiſe ſhall be a Servant no longer than the accuſtomary Five Years, although much under the Age of Nineteen Years; and the Age of ſuch Servant being adjudged by the Court within the Limitation aforeſaid, ſhall be entred upon the Records of the ſaid Court, and be accounted, deemed and taken for the true Age of the ſaid Servant, in Relation to the Time of Service aforeſaid.

AND alſo be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That when any Servant, ſold for the Cuſtom, ſhall pretend to have Indentures, the Maſter or Owner of ſuch Servant, for the Diſcovery of the Truth thereof, may bring the ſaid Servant before a Juſtice of the Peace, and if the ſaid Servant cannot produce the Indenture then, but ſhall ſtill pretend to have one, the ſaid Juſtice ſhall aſſign Two Months Time for the doing thereof; in which Time, if the ſaid Servant ſhall not produce his or her Indenture, it ſhall be taken for granted, that there never was one, and ſhall be a Bar to his or her Claim of making uſe of one afterwards, or take any Advantage by one.

AND alſo be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That all Servants, imported and brought into this Country, by Sea or Land, who were not Chriſtians in their Native Country (except *Turks* and *Moors*, in Amity with her Majeſty, and all Negroes and others, that can make due Proof of their being free in *England*, or any other Chriſtian Country, before they were ſhipped in order to Tranſportation hither) ſhall be accounted, and be Slaves, and as ſuch, be here bought and ſold, notwithſtanding a Converſion to Chriſtianity afterwards.

A.D. 1705. And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons shall hereafter import into this Colony, and here sell, as a Slave, any Person or Persons, that shall have been a Freeman in any Christian Country, Island, or Plantation, such Importer and Seller, as aforesaid, shall forfeit and pay to the Party from whom the said Freeman shall recover his Freedom, double the Sum for which the said Freeman was sold; to be recovered in any Court of Record within this Colony according to the Course of the Common Law, wherein the Defendant shall not be admitted to plead in Bar any Act or Statute for Limitation of Actions.

Provided always, That a Slave's being in *England* shall not be sufficient to discharge him of his Slavery, without other Proof of his being manumitted there.

And also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That all Masters and Owners of Servants shall find and provide for their Servants wholsom and competent Diet, Clothing and Lodging, by the Discretion of the County Court, and shall not at any Time give immoderate Correction, neither shall at any Time whip a Christian White Servant naked, without an Order from a Justice of the Peace; and if any, notwithstanding this Act, shall presume to whip a Christian White Servant naked without such Order, the Person so offending shall forfeit and pay for the same Forty Shillings Sterling to the Party injured; to be recovered, with Costs, upon Petition, without the formal Process of an Action, as in and by this Act is provided for Servants Complaints to be heard, provided Complaint be made within Six Months after such Whipping.

And also be it Enacted by the Authority aforesaid, and it is hereby Enacted, That all Servants (not being Slaves) whether imported or become Servants of their own accord here, or bound by any Court or Church-wardens, shall have their Complaints received by a Justice of the Peace, who, if he find Cause, shall bind the Master over to answer the Complaint at Court, and it shall be there determined: And all Complaints of Servants shall and may, by Virtue hereof, be received at any Time upon Petition in the Court of the County wherein they reside, without the formal Process of an Action; and also full Power and Authority is hereby given to the said Court, by their Discretion (having first summoned the Masters or Owners to justifie themselves, if they think fit) to adjudge, order, and appoint what shall be necessary, as to Diet, Lodging, Clothing, and Correction; and if any Master or Owner shall not thereupon comply with the said Court's Order, the said Court is hereby authorized and impowered, upon a second just Complaint, to order such Servant to be immediately sold at an Outcry by the Sheriff, and, after Charges deducted, the Remainder of what the said Servant shall be sold for, to be paid and satisfied to such Owner.

Provided always, and be it Enacted, That if such Servant be so sick or lame, or otherwise rendred so uncapable, that he or she cannot be sold for such a Value at least, as shall satisfie the Fees, and other incident Charges accrued, the said Court shall then order the Church-wardens of the Parish to take Care of, and provide for the said Servant, until such Servant's Time, due by Law to the said Master or Owner, shall be expired, or until such Servant shall be so recovered, as to be sold for defraying the said Fees and Charges; and further, the said Court, from Time to Time, shall order the Charges of keeping the said Servant to be levied upon the Goods and Chattels of the Master or Owner of the said Servant by Distress.

And be it also Enacted, That all Servants, whether by Importation, Indenture, or Hire here, as well Feme-Coverts, as others, shall, in like Manner as is provided upon Complaints of Misusage, have their Petitions received in Court for their Wages and Freedom, without the formal Process of an Action, and Proceedings and Judgment shall in like Manner also be had thereupon.

AND for a further Christian Care and Usage of all Christian Servants, Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That no Negroes, Mulattoes, or *Indians*, although Christians, or *Jews*, *Moors*, *Mahometans*, or other Infidels, shall at any Time purchase any Christian Servant, nor any other, except of their own Complexion, or such as are declared Slaves by this Act; and if any Negro, Mulatto, or *Indian*, *Jew*, *Moor*, *Mahometan*, or other Infidel, or such as are declared Slaves by this Act, shall notwithstanding purchase any Christian White Servant, the said Servant shall *ipso facto* become free and acquit from any Service then due, and shall be so held, deemed and taken: And if any Person, having such Christian Servant, shall intermarry with any such Negro, Mulatto, or *Indian*, *Jew*, *Moor*, *Mahometan*, or other Infidel, every Christian White Servant of every such Person so intermarrying, shall *ipso facto* become free and acquit from any Service then due to such Master or Mistress so intermarrying, as aforesaid. A.D. 1705.

AND also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Master or Owner of any Servant shall, during the Time of such Servant's Servitude, make any Bargain with his or her said Servant for further Service, or other Matter or Thing relating to Liberty or Personal Profit, unless the same be made in the Presence, and with the Approbation of the Court of that County where the Master or Owner resides. And if any Servants shall at any Time bring in Goods or Money, or, during the Time of their Service, by Gift or any other lawful Ways or Means, come to have any Goods or Money, they shall enjoy the Propriety thereof, and have the sole Use and Benefit thereof to themselves. And if any Servant shall happen to fall sick or lame during the Time of Service, so that he or she becomes of little or no Use to his or her Master or Owner, but rather a Charge, the said Master or Owner shall not put away the said Servant, but shall maintain him or her during the whole Time he or she was before obliged to serve by Indenture, Custom, or Order of Court. And if any Master or Owner shall put away any such sick or lame Servant upon pretence of Freedom, and that Servant shall become chargeable to the Parish, the said Master or Owner shall forfeit and pay Ten Pounds, current Money of *Virginia*, to the Church-wardens of the Parish, where such Offence shall be committed, for the Use of the said Parish; to be recovered by Action of Debt in any Court of Record in this her Majesty's Colony and Dominion, in which no Essoign, Protection, or Wager of Law shall be allowed.

AND whereas there has been a good and laudable Custom of allowing Servants Corn and Clothes for their present Support upon their Freedom, but nothing in that Nature can ever be made certain; Be it also Enacted by the Authority aforesaid; and it is hereby Enacted, That there shall be paid and allowed to every imported Servant, not having yearly Wages, at the Time of Service ended, by the Master or Owner of such Servant, *viz.* to every Male Servant Ten Bushels of *Indian* Corn, Thirty Shillings in Money, or the Value thereof in Goods, and One well fixed Musket or Fuzee, of the Value of Twenty Shillings at least; and to every Woman Servant Fifteen Bushels of *Indian* Corn, and Forty Shillings in Money, or the Value thereof in Goods, which, upon Refusal, shall be ordered, with Costs, upon Petition to the County Court, in Manner as is herein before directed for Servants Complaints to be heard.

AND also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That all Servants shall faithfully and obediently, all the whole Time of their Service, do all their Masters or Owners just and lawful Commands. And if any Servant shall resist the Master, Mistress, or Overseer, or offer Violence to any of them, the said Servant shall, for every such Offence, be adjudged to serve his or her said Master or Owner One whole Year after the Time by Indenture, Custom, or former Order of Court, shall be expired.

A.D. 1705. And alſo be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That no Perſon whatſoever ſhall buy, ſell, or receive of, to, or from any Servant or Slave, any Coin or Commodity whatſoever, without the Leave, Licence or Conſent of the Maſter or Owner of the ſaid Servant or Slave; and if any Perſon ſhall, contrary hereunto, without the Leave or Licence aforeſaid, deal with any Servant or Slave, he or ſhe ſo offending ſhall be impriſoned One Kalendar Month, without Bail or Mainprize; and then alſo be continued in Priſon until he or ſhe ſhall find good Security, in the Sum of Ten Pounds, current Money of *Virginia*, for the Good Behaviour for One Year following, wherein a ſecond Offence ſhall be a Breach of the Bond, and moreover, ſhall forfeit and pay Four times the Value of the Things ſo bought, ſold, or received, to the Maſter or Owner of ſuch Servant or Slave; to be recovered, with Coſts, by Action upon the Caſe, in any Court of Record in this her Majeſty's Colony and Dominion, wherein no Eſſoign, Protection, or Wager of Law, or other than one Imparlance, ſhall be allowed.

Provided always, and be it Enacted, That when any Perſon or Perſons Convict, for dealing with a Servant or Slave contrary to this Act, ſhall not immediately give good and ſufficient Security for his or her good Behaviour, as aforeſaid, then in ſuch Caſe the Court ſhall order Thirty nine Laſhes, well laid on, upon the bare Back of ſuch Offender, at the common Whipping-poſt of the County, and the ſaid Offender thence to be diſcharged of giving ſuch Bond and Security.

And alſo be it Enacted by the Authority aforeſaid; and it is hereby Enacted and Declared, That in all Caſes of penal Laws, whereby Perſons free are puniſhable by Fine, Servants ſhall be puniſhed by Whipping, after the Rate of Twenty Laſhes for every Five hundred Pounds of Tobacco, or Fifty Shillings, current Money, unleſs the Servant ſo culpable can, and will procure ſome Perſon or Perſons to pay the Fine, in which Caſe the ſaid Servant ſhall be adjudged to ſerve ſuch Benefactor after the Time by Indenture, Cuſtom, or Order of Court, to his or her then preſent Maſter or Owner ſhall be expired, after the Rate of One Month and a half for every hundred Pounds of Tobacco; any thing in this Act contained to the contrary in any wiſe notwithſtanding.

And if any Woman Servant ſhall be delivered of a Baſtard Child within the Time of her Service aforeſaid, Be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That in Recompence of the Loſs and Trouble occaſioned her Maſter or Miſtreſs thereby, ſhe ſhall, for every ſuch Offence, ſerve her ſaid Maſter or Owner One whole Year after her Time by Indenture, Cuſtom, and former Order of Court, ſhall be expired, or pay her ſaid Maſter or Owner One thouſand Pounds of Tobacco, and the reputed Father, if free, ſhall give Security to the Church-wardens of the Pariſh, where that Child ſhall be, to maintain the Child, and ſave the Pariſh indemnified, or be compelled thereto by Order of the County Court, upon the ſaid Church-wardens Complaint; but if a Servant, he ſhall make Satisfaction to the Pariſh for keeping the ſaid Child after his Time by Indenture, Cuſtom, or Order of Court, to his then preſent Maſter or Owner, ſhall be expired, or be compelled thereto by Order of the County Court, upon Complaint of the Church-wardens of the ſaid Pariſh for the Time being. And if any Woman Servant ſhall be got with Child by her Maſter, neither the ſaid Maſter, nor his Executors, Adminiſtrators or Aſſigns, ſhall have any Claim of Service againſt her, for or by Reaſon of ſuch Child, but ſhe ſhall, when her Time due to her ſaid Maſter by Indenture, Cuſtom, or Order of Court, ſhall be expired, be ſold by the Church-wardens for the Time being of the Pariſh wherein ſuch Child ſhall be born, for One Year, or pay One thouſand Pounds of Tobacco; and the ſaid One thouſand Pounds of Tobacco, or whatever ſhe ſhall be ſold for, ſhall be employed by the Veſtry to the Uſe of the ſaid Pariſh. And if any Woman Ser-

vant ſhall have a Baſtard Child by a Negro or Mulatto, over and above the Year's Service due to her Maſter or Owner, ſhe ſhall immediately, upon the Expiration of her Time to her then preſent Maſter or Owner, pay down to the Church-wardens of the Pariſh wherein ſuch Child ſhall be born, for the Uſe of the ſaid Pariſh, Fifteen Pounds, current Money of *Virginia*, or be by them ſold for Five Years, to the Uſe aforeſaid. And if a free Chriſtian White Woman ſhall have ſuch Baſtard Child by a Negro or Mulatto, for every ſuch Offence ſhe ſhall, within One Month after her Delivery of ſuch Baſtard Child, pay to the Church-wardens for the Time being of the Pariſh wherein ſuch Child ſhall be born, for the Uſe of the ſaid Pariſh, Fifteen Pounds, current Money of *Virginia*, or be by them ſold for Five Years, to the Uſe aforeſaid; and in both the ſaid Caſes the Church-wardens ſhall bind the ſaid Child to be a Servant, until it ſhall be of Thirty one Years of Age.

And for a further Prevention of that abominable Mixture, and ſpurious Iſſue, which hereafter may increaſe in this her Majeſty's Colony and Dominion, as well by *Engliſh*, and other White Men and Women, intermarrying with Negroes or Mulattoes, as by their unlawful Coition with them; Be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That whatſoever *Engliſh*, or other White M or Woman, being free, ſhall intermarry with a Negro or Mulatto Man or Woman, bond or free, ſhall, by Judgment of the County Court, be committed to Priſon, and there remain, during the Space of Six Months, without Bail or Mainprize, and ſhall forfeit and pay Ten Pounds, current Money of *Virginia*, to the Uſe of the Pariſh, as aforeſaid.

And be it further Enacted, That no Miniſter of the Church of *England*, or other Miniſter or Perſon whatſoever within this Colony and Dominion, ſhall hereafter wittingly preſume to marry a White Man with a Negro or Mulatto Woman, or to marry a White Woman with a Negro or Mulatto Man, upon Pain of forfeiting and paying, for every ſuch Marriage, the Sum of Ten thouſand Pounds of Tobacco; one Half to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the Support of the Government, and the contingent Charges thereof; and the other Half to the Informer; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majeſty's Colony and Dominion, wherein no Eſſoign, Protection, or Wager of Law, ſhall be allowed.

And becauſe poor People may not be deſtitute of Employment, upon Suſpicion of being Servants, and Servants alſo kept from running away, Be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That every Servant, when his or her Time of Service ſhall be expired, ſhall repair to the Court of the County where he or ſhe ſerved the laſt of his or her Time, and there, upon ſufficient Teſtimony, have his or her Freedom entred; and a Certificate thereof from the Clerk of the ſaid Court, ſhall be ſufficient to authorize any Perſon to entertain or hire ſuch Servant, without any Danger of this Law: And if it ſhall at any Time happen, that ſuch Certificate is worn out or loſt, the ſaid Clerk ſhall grant a new One, and therein alſo recite the Accident that happened to the old One; and whoever ſhall hire ſuch Servant, ſhall take his or her Certificate, and keep it till the contracted Time ſhall be expired. And if any Perſon whatſoever ſhall harbour or entertain any Servant by Importation, or by Contract or Indenture made here, not having ſuch Certificate, he or ſhe ſo offending, ſhall pay to the Maſter or Owner of ſuch Servant, Sixty Pounds of Tobacco for every Natural Day he or ſhe ſhall ſo harbour or entertain ſuch Runaway; to be recovered, with Coſts, by Action of Debt in any Court of Record within this her Majeſty's Colony and Dominion, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed. And alſo, if any Run-away ſhall make uſe of a forged Certificate, or, after the ſame ſhall be delivered to any Maſter or Miſtreſs upon being hired, ſhall ſteal the ſame away, and thereby procure Entertainment, the Perſon entertaining ſuch Servant upon ſuch

A.D. 1705. forged or stolen Certificate, shall not be culpable by this Law, but the said Run-away, besides making Reparation for the Loss of Time, Charges in Recovery, and other Penalties by this Law directed, shall, for making use of such forged or stolen Certificate, or for such Theft aforesaid, stand Two Hours in the Pillory upon a Court-Day; and the Person forging such Certificate, shall forfeit and pay Ten Pounds, current Money; one Half thereof to be to her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Master or Owner of such Servant, if he or she will inform or sue for the same, otherwise to the Informer; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law, shall be allowed. And if any Person or Persons, convict of forging such Certificate, shall not immediately pay the said Ten Pounds, and Costs, or give Security to do the same within Six Months, he or she so convict shall receive on his or her bare Back Thirty nine Lashes, well laid on, at the common Whipping-post of the County, and shall be thence discharged of paying the said Ten Pounds and Costs, and either of them.

Provided, That when any Master or Mistress shall happen to hire a Run-away upon a forged Certificate, and a Servant deny that he delivered any such Certificate, the *Onus probandi* shall lie upon the Person hiring, who, upon Failure therein, shall be liable to the Fines and Penalties for entertaining Run-away Servants without Certificate.

And for Encouragement of all Persons to take up Run-aways, Be it Enacted by the Authority aforesaid; and it is hereby Enacted, That for the Taking up of every Run-away Servant or Slave, if Ten Miles, or above, from the House or Quarter where such Servant or Slave was kept, there shall be allowed by the Publick, as a Reward to the Taker up, Two hundred Pounds of Tobacco; and if above Five Miles, and under Ten, One hundred Pounds of Tobacco; which said several Rewards of Two hundred and One hundred Pounds of Tobacco, shall also be paid in the County where such Taker up shall reside, and shall be again levied by the Publick upon the Master or Owner of such Run-away, for Reimbursement of the same to the Publick. And for the greater Certainty in paying the said Rewards and Reimbursements of the Publick, every Justice of Peace, before whom such Run-away shall be brought, upon the taking up, shall mention the Proper Name and Sirname of the Taker up, and the County of his or her Residence, together with the Time and Place of taking up the said Run-away, and shall also mention the Name of the said Run-away, and the Proper Name and Sirname of the Master or Owner of such Run-away, and the County of his or her Residence, together with the Distance of Miles, in the said Justice's Judgment, from the Place of taking up the said Run-away, to the House or Quarter where such Run-away was kept.

Provided, That when any Negro or other Run-away, that doth not speak *English*, and cannot, or through Obstinacy will not declare the Name of his or her Master or Owner, that then it shall be sufficient for the said Justice to certifie the same instead of the Name of such Run-away, and the Proper Name and Sirname of his or her Master or Owner, and the County of his or her Residence and Distance of Miles, as aforesaid, and in such Case shall, by his Warrant, order the said Run-away to be conveyed to the Publick Goal of this County, there to be continued Prisoner until the Master or Owner shall be known, who, upon paying the Charges of the Imprisonment, or giving Caution to the Prison-keeper for the same, together with the Reward of Two hundred or One hundred Pounds of Tobacco, as the Case shall be, shall have the said Run-away restored: And further, the said Justice of the Peace, when such Run-away shall be brought before him, shall, by his Warrant, commit

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the ſaid Run-away to the next Conſtable, and therein alſo order him to give the ſaid Run-away ſo many Laſhes, as the ſaid Juſtice ſhall think fit, not exceeding the Number of Thirty nine, and then to be conveyed from Conſtable to Conſtable, until the ſaid Run-away ſhall be carried Home, or to the County Goal, as aforeſaid, every Conſtable, through whoſe Hands the ſaid Run-away ſhall paſs, giving a Receipt at the Delivery; and every Conſtable failing to execute ſuch Warrant according to the Tenor thereof, or refuſing to give ſuch Receipt, ſhall forfeit and pay Two hundred Pounds of Tobacco to the Church-wardens of the Pariſh wherein ſuch Failure ſhall be, for the Uſe of the Poor of the ſaid Pariſh; to be recovered, with Coſts, by Action of Debt, in any Court of Record in this her Majeſty's Colony and Dominion, wherein no Eſſoign, Protection, or wager of Law ſhall be allowed. And ſuch Corporal Puniſhment ſhall not deprive the Maſter or Owner of ſuch Run-away of the other Satisfaction here in this Act appointed to be made upon ſuch Servant's running away. *A. D. 1705.*

Provided always, and be it further Enacted, That when any Servant or Slave, in his or her Running away, ſhall have croſſed the great Bay of *Cheſapeak*, and ſhall be brought before a Juſtice of the Peace, the ſaid Juſtice ſhall, inſtead of committing ſuch Run-away to the Conſtable, commit him or her to the Sheriff, who is hereby required to receive every ſuch Run-away, according to ſuch Warrant, and to cauſe him, her, or them to be tranſported again croſs the Bay, and delivered to a Conſtable there, and ſhall have, for all his Trouble and Charge herein, for every ſuch Servant or Slave, Five hundred Pounds of Tobacco, paid by the Publick, which ſhall be reimburſed again by the Maſter or Owner of ſuch Run-away, as aforeſaid, in Manner aforeſaid.

Provided alſo, That when any Run-away Servant, that ſhall have croſſed the ſaid Bay, ſhall get up into the Country in any County diſtant from the Bay, that then in ſuch Caſe the ſaid Run-away ſhall be committed to a Conſtable, to be conveyed from Conſtable to Conſtable, until he ſhall be brought to a Sheriff of ſome County adjoyning to the ſaid Bay of *Cheſapeak*; which Sheriff is alſo hereby required, upon ſuch Warrant, to receive ſuch Run-away under the Rules and Conditions aforeſaid, and cauſe him or her to be conveyed, as aforeſaid, and ſhall have the Reward, as aforeſaid.

And for the better preventing of Delays in returning of ſuch Run-aways, Be it Enacted, That if any Sheriff, Under-Sheriff, or other Officer of or belonging to the Sheriff, ſhall cauſe or ſuffer any ſuch Run-away (ſo committed for Paſſage over the Bay) to work, the ſaid Sheriff, to whom ſuch Run-away ſhall be ſo committed, ſhall forfeit and pay to the Maſter or Owner of every ſuch Servant or Slave ſo put to Work, One thouſand Pounds of Tobacco; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majeſty's Colony and Dominion, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed.

And be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That if any Conſtable or Sheriff, into whoſe Hands a Run-away Servant or Slave ſhall be committed by Virtue of this Act, ſhall ſuffer ſuch Run-away to eſcape, the ſaid Conſtable or Sheriff ſhall be liable to the Action of the Party grieved, for Recovery of his Damages, at the Common Law, with Coſts.

And alſo be it Enacted by the Authority aforeſaid; and it is hereby Enacted, That every Run-away Servant, upon whoſe Account either of the Rewards afore-mentioned ſhall be paid for taking up, ſhall, for every Hundred Pounds of Tobacco ſo paid by the Maſter or Owner, ſerve his or her ſaid Maſter or Owner, after his or her Time by Indenture, Cuſtom, or former Order of Court, ſhall be expired, One Kalendar Month and an half, and moreover, ſhall ſerve double the Time ſuch Servant ſhall be abſent in ſuch running away, and ſhall alſo make Reparation by Service to the ſaid Maſter or Owner, for all neceſſary Diſburſements and Charges in Purſuit and Recovery of the ſaid Run-away,

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A.D. 1705. to be adjudged and allowed in the County Court after the Rate of One Year for Eight hundred Pounds of Tobacco, and so proportionably for a greater or lesser Quantity.

Provided, That the Masters or Owners of such Run-aways shall carry them to Court at the next Court held for the said County after the Recovery of such Run-away, otherwise it shall be in the Breast of the Court to consider the Occasion of Delay, and to hear or refuse the Claim, according to their Discretion, without Appeal for the Refusal.

And also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Master, Mistress, or Overseer of a Family, shall knowingly permit any Slave, not belonging to him or her, to be and remain upon his or her Plantation above Four Hours at any one Time, without the Leave of such Slave's Master, Mistress, or Overseer, on Penalty of One hundred and fifty Pounds of Tobacco to the Informer, cognizable by a Justice of the Peace of the County wherein such Offence shall be committed.

Provided also, That if any Run-away Servant, adjudged to serve for the Charges of his or her Pursuit and Recovery, shall, at the Time he or she is so adjudged, repay and satisfie, or give good Security before the Court for Repayment and Satisfaction of the same to his or her Master or Owner, within Six Months after, such Master or Owner shall be obliged to accept thereof in lieu of the Service given and allowed for such Charges and Disbursements; and if any Slave resists his Master or Owner, or other Person, by his or her Order correcting such Slave, and shall happen to be killed in such Correction, it shall not be accounted Felony, but the Master, Owner, and every such other Person, so giving Correction, shall be free and acquit of all Punishment and Accusation for the same, as if such Accident had never happened. And also, if any Negro, Mulatto, or *Indian*, if bond or free, shall at any Time lift his or her Hand in Opposition against any Christian (not being Negro, Mulatto, or *Indian*) he or she so offending shall, for every such Offence, proved by the Oath of the Party, receive on his or her bare Back Thirty Lashes, well laid on, cognizable by a Justice of the Peace for that County, wherein such Offence shall be committed.

And also be it Enacted by the Authority aforesaid; and it is hereby Enacted, That no Slave go armed with Gun, Sword, Club, Staff, or other Weapon, nor go from off the Plantation and Seat of Land where such Slave shall be appointed to live, without a Certificate of Leave in Writing for so doing from his or her Master, Mistress, or Overseer; and if any Slave shall be found offending herein, it shall be lawful for any Person or Persons to apprehend and deliver such Slave to the next Constable or Headborough, who is hereby enjoyned and required, without further Order or Warrant, to give such Slave Twenty Lashes on his or her bare Back, well laid on, and so send him or her Home. And all Horses, Cattle, and Hogs, now belonging, or that shall hereafter belong, to any Slave, or of any Slave's Mark, in this her Majesty's Colony and Dominion, shall be seized and sold by the Church-wardens of the Parish wherein such Horses, Cattle, or Hogs shall be, and the Profit thereof applied to the Use of the Poor of the said Parish. And also, if any Damage shall be hereafter committed by any Slave living at a Quarter, where there is no Christian Overseer, the Master or Owner of such Slave shall be liable to Action for the Trespass and Damage, as if the same had been done by him or her self.

And also it is hereby Enacted and Declared, That Baptism of Slaves doth not exempt them from Bondage; and that all Children shall be bond or free, according to the Condition of their Mothers, and the particular Directions of this Act.

And

And whereas many times Slaves run away, and lie out hid and lurking in Swamps, Woods, and other obscure Places, killing Hogs, and committing other Injuries to the Inhabitants of this her Majesty's Colony and Dominion; Be it therefore Enacted by the Authority aforesaid; and it is hereby Enacted, That in all such Cases, upon Intelligence given of any Slaves lying out, as aforesaid, any Two Justices, *Quorum unus*, of the Peace of the County, wherein such Slave is suppose to lurk, or do Mischief, shall be, and hereby are impowered and required to issue Proclamation against all such Slaves, reciting their Names, and Owners Names, if they are known, and thereby requiring them, and every of them, forthwith to surrender themselves; and also impowering the Sheriff of the said County to take such Power with him, as he shall think fit and necessary, for the effectual Apprehending such outlying Slave or Slaves, and go in Search of them; which Proclamation shall be published on a Sabbath-day at the Door of every Church and Chapel in the said County, by the Parish-Clerk or Reader of the Church, immediately after Divine Worship: And in case any Slave, against whom Proclamation hath been thus issued, and once published at any Church or Chapel, as aforesaid, stay out, and do not immediately return Home, it shall be lawful for any Person and Persons whatsoever to kill and destroy such Slave, by such Ways and Means, as he, she, or they shall think fit, without Accusation or Impeachment of any Crime for the same. And if any Slave, that hath run away and lain out, as aforesaid, shall be apprehended by the Sheriff, or any other Person, upon the Application of the Owner of the said Slave, it shall and may be lawful for the County Court to order such Punishment to the said Slave, either by Dismembring, or any other Way not touching his Life, as they in their Discretion shall see fit, for the Reclaiming any such incorrigible Slave, and Terrifying others from the like Practices.

Provided always, and it is further Enacted, That for every Slave killed in Pursuance of this Act, or put to Death by Law, the Master or Owner of such Slave shall be paid by the Publick.

And to the End the true Value of every Slave killed, or put to Death, as aforesaid, may be the better known, and by that Means the Assembly the better enabled to make a suitable Allowance thereupon; Be it Enacted, That upon Application of the Master or Owner of any such Slave to the Court appointed for Proof of publick Claims, the said Court shall value the Slave in Money, and the Clerk of the Court shall return a Certificate thereof to the Assembly, with the rest of the publick Claims.

And for the better putting this Act in due Execution, and that no Servants or Slaves may have Pretence of Ignorance hereof, Be it also Enacted, That the Church-wardens of each Parish in this her Majesty's Colony and Dominion, at the Charge of the Parish, shall provide a true Copy of this Act, and cause Entry thereof to be made in the Register Book of each Parish respectively, and that the Parish-Clerk or Reader of each Parish shall, on the first Sermon *Sundays* in *September* and *March* annually, after Sermon or Divine Service is ended, at the Door of every Church and Chapel in their Parish, publish the same; and the Sheriff of each County shall, at the next Court held for the County after the last Day of *February* yearly, publish this Act at the Door of the Court-house; and every Sheriff making Default herein, shall forfeit and pay Six hundred Pounds of Tobacco; one Half to her Majesty, her Heirs and Successors, for and towards the Support of the Government; and the other Half to the Informer: And every Parish-Clerk or Reader making Default herein, shall, for each Time so offending, forfeit and pay Six hundred Pounds of Tobacco; one Half whereof to be to the Informer, and the other Half to the Poor of the Parish wherein such Omission shall be; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed.

A. D. 1705. And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to Servants and Slaves, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

N° 50. *An Act to prevent killing Deer at unseasonable Times.*

FOR the Prevention of killing Deer at unseasonable Times, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That it shall not be lawful to kill or destroy any Deer running wild in the Woods or unfenced Grounds of this Colony and Dominion, by Gun, or any other Ways or Means whatsoever, at any Time or Times between the first Day of *January* in each Year, and last Day of *August* succeeding; or to buy or receive of any *Indian* or other Person whatsoever, any Deer, killed or destroyed within the Times aforesaid: And if any Person, not being a Servant or Slave, shall kill or destroy any Deer contrary to this Act, or shall buy or receive of any *Indian*, or other Person whatsoever, any Deer, killed or destroyed contrary to this Act, and be thereof lawfully convicted, the said Person, for every Deer so killed or destroyed, or bought or received, as aforesaid, shall forfeit and pay the Sum of Five hundred Pounds of Tobacco.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Servant or Slave, by Order or Command of his or her Master, Mistress, or Overseer, shall kill or destroy, or buy or receive any Deer contrary to this Act, the Master, Mistress, or Overseer, giving such Order or Command, being thereof lawfully convicted, for every Deer so killed or destroyed, or bought or received, as aforesaid, shall forfeit and pay the aforesaid Penalty of Five hundred Pounds of Tobacco, as if the said Master, Mistress, or Overseer had actually committed the Offence.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Servant or Slave, of his or her own Accord, without any Order or Command from his or her Master, Mistress, or Overseer, shall kill or destroy, or buy or receive any Deer contrary to this Act, and be thereof convicted by the Oath of One credible Witness before a Justice of the Peace of the County wherein the Offence is committed, for every Deer so killed or destroyed, or bought or received, as aforesaid, the said Servant or Slave shall have and receive, on his or her bare Back, Thirty Lashes, well laid on, to be inflicted by Order of the Justice before whom the Conviction shall be, unless some sufficient Person will become bound to pay for the said Servant or Slave the Sum of Five hundred Pounds of Tobacco within Six Months, in lieu of the Punishment aforesaid, to the Church-wardens of the Parish where the Offence is committed, for the Uses directed by this Act.

And be it Enacted by the Authority aforesaid; and it is hereby Enacted, That one Moiety of the Forfeitures of this Act shall be to the Church-wardens of the Parish where the Offence is committed, for the Use of the Parish; and the other Moiety to the Informer; to be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

And

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to killing Deer, or any other Matter or Thing within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made. A.D. 1705.

An Act to explain Part of an Act of this present Session of Assembly, Intituled, An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt. Nº 51.

WHereas, by one Act passed at this present Session of Assembly, Intituled, *An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt*, it is directed, That when any Goods or Chattels are taken in Execution for any Debt, they shall remain a certain Time, in that Act expressed, before they shall be appraised: Now, for the better and more certain Understanding of the said Act, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted and Declared by the Authority of the same, That when any Goods or Chattels shall be seized or taken in Execution, either by a Writ of *Fieri facias*, or *Levari facias*, the Party from whom the same shall be taken, shall have the Liberty of Three Natural Days (*Sundays* exclusive) from and after the Time of such Seizure, to make Payment of what shall be due; and if in that Time he or she shall offer to pay unto the Sheriff, or other Officer in whose Custody the Goods and Chattels shall be, the Sum commanded to be levied by the said Execution (with such Costs, as are also to be levied) either in Money, or such other Specie, as shall be due; then and in such Case the said Sheriff or other Officer is hereby required to accept of such Payment, and thereupon to discharge the Goods and Chattels so taken in Execution, and every Part thereof, as if the same had never been seized or taken; any Law, Custom or Usage to the contrary in any wise notwithstanding.

An Act for Prevention of Misunderstandings between the Tributary Indians *and other her Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all* Indians *whatsoever.* Nº 52.

FOR Prevention of all Manner of Animosities, Jealousies, Fears, Misunderstandings and Differences whatsoever, between the Tributary *Indians* and other her Majesty's Subjects of this Colony and Dominion, as also the several Revenges and Mischiefs which may thereupon be sought after and ensue; Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That it shall not be lawful for an *Indian* King, or any other of the said Tributary *Indians* whatsoever, upon any Pretence, or for any Consideration whatsoever, to bargain and sell, or demise to any Person or Persons, other than to some

A.D. 1705. some of their own Nation, or their Posterity in Fee for Life or for Years, the Lands laid out and appropriated for the Use of the said *Indians*, or any Part or Parcel thereof, or to bargain and sell, as aforesaid, any other Land whatsoever, now actually possessed, or justly claimed and pretended to by the said *Indians*, or any of them, by Virtue of the Articles of Peace, made and concluded with the said *Indians* the Twenty ninth Day of *May*, One thousand six hundred seventy seven, or by Virtue of any other Right or Title whatsoever: And that every Bargain, Sale, or Demise hereafter made contrary to this Act, as aforesaid, shall be, and is hereby declared to be Null and Void, to all Intents, Constructions and Purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons (other than the *Indians* and their Posterity) shall, from and after the Publication of this Act, presume to purchase or obtain any Deed or Conveyance in Fee, or any Lease for Years, from any of the Tributary *Indians*, of any Lands, Tenements or Hereditaments, laid out or appropriated, or now actually possessed, or justly claimed and pretended to by the said *Indians*; or shall occupy or tend any of the said Lands by Permission of the said *Indians*, or otherwise, every Person or Persons so offending, and being thereof lawfully convicted in any Court of Record within this Colony, shall forfeit and pay the Sum of Ten Shillings, current Money, for every Acre of Land so purchased, leased or occupied; and for every Year, during the Continuance of the Possession or Occupation of any Lands by Virtue of such Purchase or Lease, the Person or Persons so offending shall forfeit and pay the Sum of Ten Shillings, current Money, for every Acre of Land so possessed or occupied, as aforesaid; one Moiety of which said Forfeitures shall be to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Colony and Dominion, and the contingent Charges thereof; and the other Moiety to the Informer; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Provided nevertheless, and be it Enacted, That it shall and may be lawful for the General Court of this Dominion, to receive and examine the several Claims of *George Shilling* to Three hundred Acres of Land, of *Michael Waldrop* to Ninety Acres of Land, and of the Heir of *George Southerland* deceased to Two hundred Acres of Land; all which said Lands are said to be Part of the Lands laid out for the *Pamunkey Indians*: And if it shall appear to the said Court, that the said Persons, or any of them, have as equitable Pretensions to the said Lands as those Persons had, who have already obtained Patents for other Part of the Land laid out for the said *Indians*, then it shall be lawful for the Governor or Commander in chief of this Dominion for the Time being, by and with the Advice and Consent of the Council, to grant Patents to the several Persons before-named, or so many of them as make the Equity of their Pretensions appear, for the said several Quantities of Land by them claimed respectively, if there shall be so much contained within their Bounds, but not for any greater Quantity, although their Bounds contain the same.

And to the End no different Constructions may be made concerning the Sense and Meaning of a certain Clause, contained in the aforesaid Articles of Peace, in these Words, "It is hereby Concluded and Established, That no "*English* shall seat or plant nearer than Three Miles of any *Indian* Town;" Be it Enacted by the Authority aforesaid; and it is hereby Enacted and Declared, That where an *Indian* Town is seated on or near a Navigable River, and the *English* have already seated and planted within Three Miles of the said Town, on the opposite Side of the River, the said Clause shall not be construed, deemed or taken to give the said *Indian* Town any Privilege on the said opposite Side, but in such a Case the Privilege of the said *Indian* Town shall be limited by the River.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the *Indians* Tributary to this Government shall be well secured and defended in their Persons, Goods and Properties, and that whosoever shall defraud or take from them their Goods, or do Hurt or Injury to their Persons, shall make Satisfaction, and be punished for the same according to Law, as if the *Indian* Sufferer had been an *Englishman*. A.D. 1705.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That the *Indians* Tributary to this Government shall have and enjoy their wonted Conveniencies of Oystering and Fishing, and of Gathering on the Lands belonging to the *English*, Tuckahoe, Curtenemons, Wild Oats, Rushes, Puckoon, or other Things, not useful to the *English*, upon a Licence first had from a Justice of the Peace of the County where they come for those Purposes; and if any *Englishman* take from any of the said *Indians* any Goods, or kill, wound, or maim any One of them, as they come in, whilst they tarry, or as they return, he shall be punished, and suffer as if he had done the same Thing to an *Englishman*.

PROVIDED always, and it is hereby meant and intended, That the said *Indians* shall not bring with them any Guns, Ammunition, or Offensive Weapons, but Tools only for their Use; that they shall not presume to oyster, fish and gather Tuckahoe, or other Things, as aforesaid, without a Licence first had from a Justice of Peace, as aforesaid; that the Justice, in his Licence, shall limit the Time of the *Indians* Stay; and that it shall not be lawful for the *Indians* to tarry beyond the Time limited.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That all *Indian* Kings and Queens, Tributary to this Government, having the least Notice of a March of strange *Indians* near the *English* Quarters or Plantations, shall forthwith repair, or at least send One of their Great Men to the next Militia Officer, to acquaint him what they know of their Nation, Number and Design, and which Way they bend their Course; and if the Tributary *Indians* then desire any Aid against the strange *Indians*, the Colonel of the Militia in those Parts shall forthwith send out a convenient Party of the said Militia to joyn with them, for their better Defence and Security on that Occasion.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That all *Indians*, Tributary to and under the Protection of this Government, shall march with the *English* in Pursuit of Foreign *Indinas*, whenever they are thereunto commanded, and shall continue with the *English* in the said Pursuit, as the Occasion requires.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That there be a free and open Trade for all Persons, at all Times, and at all Places, with all *Indians* whatsoever.

PROVIDED always, and be it Enacted by the Authority aforesaid, That if any Person or Persons shall, after the Publication of this Act, sell, or offer to Sale, any Rum or Brandy within any Town of the Tributary *Indians*, or to any *Indian* upon any Land belonging to any such Town, every such Person or Persons so offending, and being thereof lawfully convicted before any Justice of the Peace of the County where the Offence shall be committed, shall forfeit and pay Ten Shillings, current Money, for every Quart of Rum or Brandy so sold, or offered to Sale, as aforesaid, and so proportionably for a greater or lesser Quantity; one Moiety of which Fines shall be to her Majesty, her Heirs and Successors, for and towards the Support of the Government of this Colony, and the contingent Charges thereof; and the other Moiety to the Informer.

PROVIDED nevertheless, and be it Enacted, That if any Person or Persons shall hereafter, at his or their own Charge, make Discovery of any Town or Nation of *Indians*, situate or inhabiting to the Westward of or between the

A.D. 1705. *Appalatian* Mountains, in such Case it shall be lawful to and for the Governor or Commander in chief of this Dominion for the Time being, by and with the Advice and Consent of her Majesty's Council of State, by Charter or Grant under the Seal of the Colony, to grant unto such Person or Persons so discovering, as aforesaid, and to their Executors, Administrators and Assigns, for the Space of Fourteen Years then next coming, the Sole Liberty and Right of Trading to, and with all and every such Town or Towns, Nation or Nations of *Indians* so discovered, as aforesaid, with such Clauses or Articles of Restraint, or Prohibition of all other Persons from the said Trade, and under such Penalties and Forfeitures, as shall be thought convenient; which said Charter or Grant is hereby Enacted and Declared to be good and valid in Law to the Intents and Purposes therein mentioned, and all and every Clause and Article thereof, shall be observed, fulfilled and obeyed, under the Penalties and Forfeitures therein to be contained. And if Occasion shall so require, the said Governor or Commander in chief, with the Advice and Consent of the Council, as aforesaid, is hereby impowered by such Charter or Grant, as aforesaid, to make and constitute such Discoverers, and such other Persons, as they shall desire to be One Body Corporate and Politick, by such Name, in such Manner, and with such Liberties and Privileges, as shall appear to be necessary for the better Enabling them to make the most Benefit and Advantage of the said Trade, exclusive of all other Persons; any thing in this Act contained to the contrary, or seeming to the contrary, in any wise notwithstanding.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to the Tributary *Indians*, or to a free and open Trade with all *Indians*, or any other Matter or Thing whatsoever within the Purview of this Act, except one Act made at a General Assembly, held by Prorogation the Eighteenth Day of *April*, One thousand seven hundred and five, Intituled, *An Act concerning the* Nansiattico *and other* Indians, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

No. 53. *An Act for the Regulation and Settlement of Ferries, and for Dispatch of Publick Expresses.*

WHereas a good Regulation of Ferries in this her Majesty's Colony and Dominion, will prove very useful for the Dispatch of Publick Affairs and for the Ease and Benefit of Travellers and Men in Business; Be it therefore Enacted, by the Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That Ferries be constantly kept at the Places hereafter named; and that the Rates for passing the said Ferries be as followeth, *viz.*

On *James-River*.

In *Henrico* County, at *Varina*, the Price for a Man Three pence three farthings, for a Man and Horse Seven pence half-penny.

At *Bermuda* Hundred, the Price for a Man Six pence, for a Man and Horse One shilling.

In *Charles-City* County, at *Westover*, the Price for a Man Seven pence half-penny, for a Man and Horse Fifteen Pence.

In

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In *Appamatuck* River at the usual Place near Colonel *Byrd*'s Store, the Price for a Man Three Pence three farthings, for a Man and Horse Seven pence half-penny.

In *Prince George* County, at *Coggans-Point* and *Macocks* the Price the same as at *Westover*.

From *Powhatan* Town to the Landing at *Swineards*, the Price for a Man Seven Pence half-penny, for a Man and Horse Fifteen pence; and then from the *Sycamore-Landing* by *Windmill-Point* to the Widow *Jones*'s Landing at *Weyanoake*, the same Price as from *Powhatan*.

In *Surrey* County, from *Hog-Island* to *Archers-Hope*, so long as the Ferry-keeper will, at his own Charge, keep a sufficient Bridge over *Hog-Island* Creek, and upon Failure thereof from *Hog-Island* Main, to the End the said Bridge may never become a County Charge, the Price for a Man Fifteen Pence, for a Man and Horse Two shillings and six pence.

At the Mouth of *Upper-Chipoakes* Creek over to the *Row* or *Martins-Brandon*, the Price for a Man Six pence, for a Man and Horse One shilling.

From *Swans-Point* to *James-Town*, the Price for a Man Seven pence half-penny, for a Man and Horse Fifteen pence.

From *Croaches-Creek* to *James-Town*, the Price for a Man One shilling, for a Man and Horse Two shillings.

In *James-City* County, at *James-Town*, the Price to *Swans-Point* for a Man Seven pence half-penny, for a Man and Horse Fifteen pence.

From *James-Town* to *Croaches-Creek*, for a Man One shilling, for a Man and Horse Two shillings.

At *Williamsburgh*, from *Princess-Anne-Port* to *Hog-Island*, the Price for a Man Two shillings and six pence, for a Man and Horse Four shillings.

At *Chickahominy*, at the usual Place on each Side the River, the Price for a Man Six pence, for a Man and Horse One shilling.

From *John Goodale*'s to *Williams's-Neck* or *Drummonds-Neck*, for a Man Three pence three farthings, for a Man and Horse Seven pence half-penny.

In *Nansemond* County, from *Cofeilds-Point* to *Robert Peale*'s, near *Sleepy-Hole*, the Price for a Man Six pence, for a Man and Horse One shilling.

In *Elizabeth-City* County, at *Hampton* Town, from the *Town-Point* to *Brooks-Point*, the Price for a Man Three pence, for a Man and Horse Six pence.

From *Hampton* Town to *Sowels-Point*, the Price for a Man Three shillings, and for a Man and Horse Six shillings.

In *Norfolk* County, from *Norfolk* Town to *Sawyers-Point* or *Lovets-Plantation*, the Price for a Man Six pence, for a Man and Horse One shilling.

Upon *York-River*.

In *New-Kent*, from *Robert Peasly*'s to *Philip Williams*'s, the Price for a Man Six pence, for a Man and Horse One shilling.

From the *Brick-House* to *West-Point*, the Price for a Man One shilling, for a Man and Horse Eighteen Pence.

From the *Brick-House* to *Graves*'s, the Price for a Man One shilling, for a Man and Horse Two and twenty pence half-penny.

In *King William* County, from *Spencer*'s over to the usual Landing-place, the Price for a Man Six pence, for a Man and Horse One shilling.

From *Thomas Craushaw*'s to the usual Landing-place, the Price for a Man Three pence, for a Man and Horse Six pence.

From *Philip Williams*'s to *Peaslys-Point*, the Price for a Man Six pence, for a Man and Horse One shilling.

From *West-Point* to the *Brick-House*, the Price for a Man One shilling, for a Man and Horse Eighteen Pence.

From

A.D. 1705. From *Abbot*'s Landing over *Mattapony* River, the Price for a Man Three pence, for a Man and Horse Six pence.

From *West-Point* to *Graves*'s, the Price for a Man Six pence, for a Man and Horse One shilling.

In *York* County, from *York-Town* to *Tindals-Point*, the Price for a Man Seven pence half-penny, for a Man and Horse Fifteen Pence.

From *Queen-Marys-Port* at *Williamsburgh* to *Clay-Banck* Creek in *Gloucester* County, the Price for a Man Two shillings and six pence.

From Captain *Matthews*'s to *Capahosack*, the Price for a Man Fifteen pence, for a Man and Horse Two shillings and six pence.

In *Gloucester* County, from *Tindals-Point* to *York-Town*, the Price for a Man Seven pence half-penny, for a Man and Horse Fifteen pence.

From *Capahosack* to Captain *Matthews*'s Landing, or *Scimmino* Creek, the Price for a Man Fifteen pence, for a Man and Horse Two shillings and six pence.

From *Bailey*'s over *Piankitauk*, the Price for a Man Six pence, for a Man and Horse One shilling.

In *King and Queen* County, from *Graves*'s to *West-Point*, the Price for a Man Six pence, for a Man and Horse One shilling.

From *Graves*'s to the *Brick-House*, the Price for a Man One shilling, for a Man and Horse Two and twenty pence half-penny.

From *Burford*'s to Old *Talbutt*'s, the Price for a Man Six pence, for a Man and Horse One shilling.

From Captain *Walker*'s Mill-Landing, the Price for a Man Three pence, for a Man and Horse Six pence.

In *Middlesex* County, over *Piankitauk*, at *Turks-Ferry*, the usual Place, the Price for a Man Three pence, for a Man and Horse Six pence.

On *Rappahanock-River*.

In *Middlesex* County, from *Shelton*'s to *Mottrom Wright*'s, the Price for a Man Two shillings, for a Man and Horse Four shillings.

From *Brandon* to *Chownings-Point*, the Price for a Man Two shillings, for a Man and Horse Four shillings.

In *Essex* County, over *Rappahanock*, from the Land of *Daniel Henry* to *William Pannel*'s, the Price for a Man Six pence, for a Man and Horse One shilling.

From *Bowler*'s, at the usual Place, to *Suckets-Point*, the Price for a Man Fifteen pence, for a Man and Horse Two shillings and six pence.

From *Rappahanock-Town*, over *Rappahanock-River*, to *Webly Pavey*'s, or to *Rappahanock-Creek*, on either Side thereof, the Price for a Man Fifteen pence, for a Man and Horse Two shillings six pence.

From *Henry Long*'s, over *Rappahanock-River*, to the usual Place, the Price for a Man Six pence, for a Man and Horse One shilling.

In *Richmond* County, from *William Pannel*'s, over *Rappahanock-River*, the Price for a Man Six pence, for a Man and Horse One shilling.

From *Suckets-Point* to *Bowler*'s, the Price for a Man Fifteen pence, for a Man and Horse Two shillings and six pence.

In *Stafford* County, from Colonel *William Fitzhughs*'s Landing, in *Potomuck* River, over to *Maryland*, the Price for a Man Two shillings and six pence, for a Man and Horse Five shillings.

From the Port of *Northampton* to the Port of *York*, the Price for a Man Fifteen shillings, for a Man and Horse Thirty shillings.

From the Port of *Northampton* to the Port of *Hampton*, the Price for a Man Fifteen shillings, for a Man and Horse Thirty shillings.

AND

And be it further Enacted, That where a Ferry is appointed by this Act on one Side of the River, and none on the other to answer the same, it shall and may be lawful for the County Courts, in such a Case, to appoint an opposite Ferry, and to order and allow the Prices directed by this Act.

And for the more orderly and better Keeping the said Ferries, Be it Enacted, That the Court of each County, wherein any Ferry is or shall be appointed by Virtue of this Act, shall have, and hereby hath full Power and Authority of Licensing, Allowing, and Appointing the Ferry-keeper, and of Ordering and Directing what Boat or Boats, and Hands shall be kept there; and also, upon Neglect or Omission in the good and orderly Keeping thereof, of Discharging and Turning out that Ferry-keeper, and putting another in the Place.

Provided always, That the said Court, upon appointing any Person to keep Ferry, do take Bond, with One sufficient Surety, in the Sum of Twenty Pounds Sterling, payable to her Majesty, for the constant and well Keeping the same with Boats and Hands, according to the Directions of the said Court, and also for the giving Passages, without Delay, to such Publick Messages and Expresses, as shall be mentioned by this Act to be Ferry-free.

And for Encouragement of the said Ferry-keepers in the better keeping of the same, and in Consideration of setting over the Publick Messages and Expresses, Be it further Enacted, That all the Men, attending in the said Ferry Boats, be free of Publick and County Levies, and from all other Publick Services, as Musters, Constables, clearing Highways, being Impressed, and other Things of the like Nature, and shall have their Licence without any Fee or Reward paid for obtaining the same, or for the Petition, Bond, or other Matter or Thing whatsoever relating thereto; and also, if the said County Court shall find it requisite or useful, that an Ordinary be kept at such Ferry, then and in such Case they are hereby authorized and impowered to licence such Ferry-keepers to keep Ordinary, without any other Fee either for the Licence or for obtaining the same, except half of the Fee allowed by Law to the Governor, notwithstanding there be otherwise a sufficient Number of Ordinaries in the same County; and moreover, that in such Case no other Person be permitted to keep Ordinary within Five Miles of such Ferry-keeper, so licensed to keep Ordinary, unless it shall so happen, that the Place of a County Court, or Land laid out for a Town, shall require it.

Provided always, and it is the true Intent and Meaning of this Act, That when a Ferry-keeper shall be so licensed to keep Ordinary, the Person so licensed shall, notwithstanding the Immunities aforesaid, be liable to such like Bonds, Securities and Penalties, as other Ordinary-keepers are and shall be liable unto.

And be it also Enacted, That if any other Person whatsoever, for Reward, shall set any Person or Persons over any of the Rivers, whereon Ferries are or shall be appointed by Virtue of this Act (except Necessity of a Parish require it for going to Church) he or they so offending shall forfeit and pay, for every such Offence, Five Pounds, current Money of *Virginia*; one Half thereof to be to the nearest Ferryman to the Place where such Offence shall be committed; and the other Half to the Informer; and if the Ferry-keeper be the Informer, then he to have the Whole; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Provided nevertheless, and be it Enacted, That it shall and may be lawful for any County Court within this Colony and Dominion, to appoint a Ferry over any River or Creek within the County where the same shall be thought convenient, and also to agree with the Keeper of any Ferry appointed, or which shall be appointed, by Virtue of this Act, to set over the Militia of the

A.D.1705. County on Muster-days, and to raise an Allowance for the same in the County Levy.

Provided, That nothing in the aforesaid Proviso contained, shall be construed to give Liberty to any County Court to levy or raise any Allowance upon the Inhabitants of the County, for any Ferry whatsoever over a River or Creek to another County.

And for Explanation of what shall be accounted Publick Messages or Expresses within the Meaning of this Act, Be it Enacted, That all Expresses, which shall be sent by the Secretary, any One of the Council, Sheriff of a County, Commander in chief, Colonel, Lieutenant Colonel, or Major in the Militia, to his Excellency the Governor, or the Governor or Commander in chief of this Colony and Dominion for the Time being, or which shall be sent by such Governor or Commander in chief, or by the Clerk of the Council, to any Person, or which shall be sent by any Chief Militia Officer to the Governor, or to the Chief Militia Officer of the next County, to give Intelligence of the Approach of an Enemy, or which shall come from beyond Sea, directed to the Governor or Commander in chief of this Colony, shall be accounted Publick Messages and Expresses, and shall be Ferry-free, and within the Meaning of the Condition of the Bond afore-mentioned, in case such Expresses be directed for her Majesty's Service, and signed upon the Superscription by the Person or Persons sending the same.

And for the greater Ease and Encouragement of all Messengers carrying such Messages or Expresses, Be it further Enacted, That her Majesty's Receiver General of this her Majesty's Colony and Dominion for the Time being, shall be, and is hereby obliged to pay always, at the Seat of the Government, out of the Revenue arising by Virtue of the Imposition of Two Shillings *per* Hogshead, Head-Money, Fort-Duties, Fines, and Rights, as being a Contingency of the Government, to every such Messenger, ready Money, after the Rate of Four Pence *per* Mile for himself and Horse, for every Mile's Going he shall be sent forward on such Publick Messages, in full Consideration of his Going and Returning. And if at any Time such Messenger shall be kept attending by the Governor or Commander in chief of this her Majesty's Colony and Dominion for the Time being, the said Receiver General shall, over and above, pay to such Messenger, for every such Day's Attendance, Five Shillings *per* Day out of the Fines and Revenues aforesaid: Provided, That the Messengers from the several Counties bring with them from the Superscriber of the Express, a Certificate of the Name of the Messenger, and the Distance of Miles sent, and the Day's Attendance certified by the Governor or Commander in chief for the Time being, or the Clerk of the Council, otherwise such Messenger and Attendant not to be paid or allowed.

And be it further Enacted, That if any Messages or Expresses be sent by Water, the same shall be paid for, as aforesaid, after the Rate of Fifteen Pence *per* Day for the Boat, and Two Shillings *per* Day for each Man employed to go in her.

Made Perpetual by an Act of 1713. And be it further Enacted, That this Act shall continue in Force Seven Years, and thereafter to the End of the next Session of Assembly.

No 54. Effected.

An Act appointing a Treasurer.

An

A.D. 1705.

An Act making the French *Refugees, inhabiting at the* Manakin *Town, and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of Publick and County Levies, until the Twenty fifth Day of* December, *One thousand seven hundred and eight.* No 55. Effected.

An Act Confirming the Naturalization of Joshua Mulder, *and others.* No 56. Private.

An Act for settling the Dividing Lines between the Counties of Prince George, Surrey, *Isle of* Wight, *and* Nansemond, *on the South-side* Black-water *Swamp.* No 57. Had its Effect.

An Act for Raising a Publick Levy. No 58. Expired.

A.D. 1705.

No 55. Expired. An Act making the French Refugees, inhabiting at the Manakin Town, and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of Publick and County Levies, until the Twenty fifth Day of December, One thousand seven hundred and eight.

No 56. Private. An Act Confirming the Naturalization of Joshua Mulder, and others.

No 57. [illegible] An Act for settling the Dividing Lines between the Counties of Prince George, Surrey, Isle of Wight, and Nansemond, on the South-side Blackwater Swamp.

No 58. Expired. An Act for Raising a Publick Levy.

At

At a GENERAL ASSEMBLY begun at her Majesty Queen *Anne*'s Royal Capitol the 25th Day of *October*, in the 9th Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great Britain*, *France*, and *Ireland*. *Annoq; Domini*, 1710.

An Act appointing a Treasurer.

No 1. Effected.

An Act for the further Restraint of Tipling-houses, and other Disorderly Places.

No 2.

A.D. 1710.

WHEREAS, by one Act of Assembly, made at her Majesty's Royal Capitol the Twenty third Day of *October*, in the Fourth Year of her Majesty's Reign, Intituled, *An Act for Regulating Ordinaries, and Restraint of Tipling-houses*, It is Enacted, "That whosoever shall retail Liquors in their Houses without Licence first had and obtained, according to the Directions of the said Act, shall forfeit and pay Two thousand Pounds of Tobacco;" notwithstanding whereof diverse loose and disorderly Persons have found Means to evade the Intent of the said Law, by keeping Strong Drink in their Houses, and selling the same out of Doors, and by setting up Booths, Arbours and Stalls at Court-houses, Race-fields, General Musters, and other publick Places, where not only the looser sort of People resort, get drunk, and commit many Irregularities, but Servants and Negroes are entertained and encouraged to purloyn their Masters Goods for supporting their Extravagancies: For Remedy of which Abuses, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the Publication of this Act, no Person whatsoever shall sell by Retail any Wine, Beer, Cyder, Brandy, Rum, or Spirits, either in Houses or Booths, Arbours or Stalls, or any other Place whatsoever, unless such Person or Persons shall first obtain a Licence for so doing in the Manner directed by the afore-recited Act of Assembly: And if any Person or Persons shall take upon

A.D. 1710. them to retail any Strong Liquors, without having first obtained such Licence for the same, every such Person or Persons so offending shall be liable to all the Penalties and Forfeitures contained in the aforesaid Act for selling Drink without Licence.

PROVIDED always, That nothing herein contained shall be construed, deemed or taken to prohibit or restrain any Merchant or other Person to sell, in what Quantity he pleases, any of the afore-mentioned Liquors, not intended to be tipled or drunk out at the Houses, Stores, or Plantations, where the same are sold.

No 3. Private.

An Act to enable Elizabeth Harrison, *Widow and Administratrix of* Benjamin Harrison, *late of the County of* Charles-City, *Gent. deceased, to sell certain Lands and Slaves, late the Estate of the said* Benjamin, *for Payment of the Debts of the said* Benjamin.

No 4. Ditto.

An Act to set free Will, *a Negro, belonging to* Robert Ruffin.

No 5. Expired.

An Act for Raising a Publick Levy.

No 6.

An Act to prevent the Destroying and Murdering of Bastard Children.

WHereas several lewd Women, that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children, and after, if the Child be found dead, the said Women do alledge, that the said Child was born dead, whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women their lewd Mothers, or by their Assent or Procurement: For preventing therefore of this great Mischief, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That if any White or other Woman, not being a Slave, after One Month next ensuing the End of this present Session of Assembly, be delivered of any Issue of her Body, Male or Female, which, being born alive, should by Law be a Bastard, and that she endeavour privately, either by Drowning or secret Burying thereof, or any other Way, either by her self, or

the procuring of others, so to conceal the Death thereof, as that it may not come to light, whether it were born alive or not, but be concealed, in every such Case the Mother so offending shall suffer Death, as in case of Murder; Except such Mother can make Proof, by One Witness at the least, that the Child, whose Death was by her so intended to be concealed, was born dead. A.D. 1710.

And to the End this Act may be made Publick, Be it further Enacted by the Authority aforesaid, That the same shall be read yearly, on some *Sunday* in *May*, in all Parish-Churches and Chapels within this Colony, by the Minister or Reader of each Parish, immediately after Divine Service, under the Penalty of Five hundred Pounds of Tobacco for every Omission and Neglect therein; to be recovered with Costs, by the Informer, in an Action of Case, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed. And the Church-wardens of every Parish are hereby required to provide a Copy of this Act at the Charge of the Parish, under the Penalty of Five hundred Pounds of Tobacco; to be recovered in Manner aforesaid.

An Act for Prevention of Abuses in Tobacco shipped on Freight. No 7.

WHereas great Abuses are frequently committed by the unfair and unwarrantable Practices of Masters of Ships and other Vessels, whereon Tobacco is freighted, by their cropping, cutting away the Bulge, drawing the Staves, and otherwise injuring the Tobacco Cask, when Freight is paid them for the full Size, and Proportion of the said Cask settled by Law at a certain Size, under great Penalties, and by Means of the breaking and cutting the said Hogsheads, great Quantities of Tobacco, that fall out, are purloyned by the Sailers, and afterwards run on Shore, to the great Prejudice of her Majesty in her Customs, as well as of the Owners and fair Traders: Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the Publication of this Act, all Masters of Ships and Vessels, that shall arrive in this Colony, before they be admitted to enter, trade, and load Tobacco, shall give Bond to her Majesty, her Heirs and Successors, in the Sum of Two hundred Pounds Sterling, with Condition, that he will not crop, cut away the Bulge, draw the Staves, or otherwise abuse, or cause or suffer to be cropped, cut, drawn, or otherwise injured or abused, by his Knowledge, Privity, or Procurement, any Tobacco Cask, freighted on Board the said Ship or Vessel, unless it be so agreed upon between the Freighters and the said Master, and make Oath accordingly; which Bond and Oath the said Naval Officer is hereby authorized and required to take and administer. And if any Naval Officer shall grant a Permit to load Tobacco, before the Master of the Ship or Vessel desiring the same shall have given Bond, and made Oath in Manner aforesaid, such Naval Officer so offending shall forfeit and pay the Sum of Two hundred Pounds Sterling; one Half to the Queen's Majesty, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Half to the Informer; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony, wherein no Essoign, Protection, or Wager of Law shall be allowed.

A.D. 1710. AND be it further Enacted by the Authority aforesaid, and it is hereby Enacted, That if any other Officer or Mariner, belonging to any Ship or Vessel on Freight, shall crop, cut away the Bulge, draw the Staves, or otherwise abuse, or be aiding or assisting in the cropping, cutting away the Bulge, drawing the Staves, or other abusing of any Cask, wherein Tobacco is freighted by any Person within this Colony; unless in such Cases, as aforesaid, where it is so agreed between the Masters and Freighters; every Person so offending shall forfeit and pay Five Pounds Sterling to the Informer; to be recovered, with Costs, in any Court of Record within this her Majesty's Colony and Dominion of *Virginia*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed; and may moreover be held to Special Bail; which Fact may also be laid to be done in any County, where the Offender shall be arrested, in Manner as aforesaid, without Liberty of Traverse, as is aforesaid: And if there be more Actors in the same Fact than One, each Party shall be adjudged to the whole Fine separately, and that the Master be moreover liable to answer Damage to the Party grieved.

AND because Evidences for Discovery of the Truth in such Cases may most commonly be wanted, unless the Mariners belonging to the said Ship or Vessel may be admitted; Be it further Enacted and Declared by the Authority aforesaid; and it is hereby further Enacted and Declared, That the Summoning any of the Mariners as Witnesses in a Prosecution upon this Act, shall *ipso facto* discharge them of any Accusation thereafter to be made for any thing that shall be discovered on such Prosecution, and themselves thereby qualified to give Evidence in the Cause. And if a Mariner, faulty in the Premisses, becomes the Informer, that shall also excuse him from the said Fine of Five Pounds for the Fact whereof he is Informer.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That it shall be lawful for the Collector or Naval Officer, within whose District any Ship or Vessel shall lie, or any Searcher, or any Person having Tobacco on Board, to go on Board any such Ship or Vessel, during the Time of her loading, and to search whether any Breach has been committed against this Act. And if any Master, Officer, or other Mariner, shall hinder any such Search from being made, he shall, for every such Offence, forfeit and pay the Sum of Ten Pounds Sterling; Half to her Majesty, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Half to the Informer; to be recovered, with Costs, in any Court of Record within this her Majesty's Colony and Dominion of *Virginia*, by Action of Debt, Bill, Plain, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Made Perpetual by an Act of 1714.

THIS Act to continue in Force until the Twenty fifth Day of *December*, which shall be in the Year of our Lord One thousand seven hundred and thirteen, and from thence to the End of the next Session of Assembly.

No 8. Expired.

An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.

An

A. D. 1710.

An Act prohibiting Seamen being harboured or entertained on Shore.

Nº 9.

WHereas many of her Majesty's Ships of War and Merchants Ships, trading into this her Majesty's Colony and Dominion, suffer very much, by their Seamen running away and absconding from their Ships: For Prevention thereof, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and by the Authority thereof; and it is hereby Enacted, That every Seaman, that shall run away or absent himself unlawfully from the Ship or Vessel he belongs to, shall be, and is hereby liable to be taken up or secured by any Person or Persons, and, upon a Warrant from a Justice of Peace of the County where he is taken up, conveyed from Constable to Constable, till he be put on Board the Ship or Vessel he belongs to; and that Constable, who shall deliver such Seamen on Board any such Ship or Vessel, shall take Receipt for the said Seamen of the Master, Mate, or other Officer, to which such Seaman belongs, and shall immediately carry and deliver the same to the Naval Officer of the District where such Ship or Vessel rides, before she is cleared; for which Service the said Constable shall receive of the Naval Officer, if Ten Miles or under, Five Shillings; and if above Ten Miles, Ten Shillings, which the Naval Officer shall be reimbursed by the Commander of the said Ship or Vessel.

AND be it further Enacted, That every Justice of Peace within this Colony, before whom such Run-away Seaman shall be brought, be impowered and required to give the Taker up of the said Seaman a Certificate under his Hand, according to this Act, to entitle him to the Reward hereafter given for so doing.

AND be it further Enacted, That the Reward for taking up a Run-away Seaman shall be Twenty Shillings, if it be done Ten Miles or upwards from the Ship or Vessel the Seaman belongs to; and if under Ten Miles, Ten Shillings, and no more; which several Sums of Money, as the Occasion is, shall be paid to the Taker up, upon Certificate, as aforesaid, by the Naval Officer of the District, where the Ship or Vessel rides that the Seaman belongs to; and the Captain or Master of the said Ship or Vessel shall reimburse the same to him, before he be cleared, or permitted to sail from that District.

AND be it further Enacted, That the Justice's Certificate afore-mentioned, to be given to the Taker up of a Run-away Seaman, shall expresly declare what Ship or Vessel the said Seaman belongs to, what Place the said Seaman was taken up at, and whether it be Ten Miles from the said Ship or Vessel, or under or above, and that the Taker up made Oath before him to the Place of taking up.

AND be it further Enacted, That if a Run-away Seaman, taken up by Virtue of this Act, shall belong to a Merchant Ship or Vessel gone out of the Country before the said Seaman is taken up, or can be got on Board the said Ship or Vessel, in such Case the said Seaman shall be put on Board any One of her Majesty's Ships of War, which shall happen to be here, if the Captain thereof will receive him on Board, and pay the Reward for taking up: And if the Commander of any of her Majesty's Ships of War shall refuse to receive such Seaman, and pay the said Reward, then the said Seaman shall be delivered to the Master of any Merchant Ship, that will receive him, on paying the said Reward.

A. D. 1710. And be it further Enacted, That in all Cases where a Run-away Seaman, belonging to any of her Majesty's Ships of War, or to Merchant Ships gone out of the Country, shall happen to be put on Board any of her Majesty's said Ships, the Captain or Commander of such Ship shall reimburse the Naval Officer the Charge of taking up, and shall and may stop it out of the Wages due, or thereafter accruing due, to the said Seaman.

And be it further Enacted, That the Naval Officers of this Colony and Dominion may use and take out of her Majesty's Revenue of Two Shillings *per* Hogshead in their Hands, so much Money as shall be necessary to pay off the Certificates produced to them for taking up Run-away Seamen, as aforesaid, till they can be reimbursed, as by this Act is before directed, provided due Care be taken to get in the same.

And for Prevention of Escapes which may happen, Be it Enacted, That whatever Constable, or other Officer, to whom a Run-away Seaman shall be committed, according to this Act, shall wittingly, willingly, or negligently suffer the said Seaman to make his Escape, or in due Time, as before directed, to deliver the Receipt aforesaid to the Naval Officer of such District, as before in this Act is directed, such Constable or other Officer shall, for his said Offence, forfeit and pay to the Queen's Majesty, her Heirs and Successors, Five hundred Pounds of Tobacco, with Costs of Suit; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of her Majesty's Courts of Record in this Colony and Dominion.

And to prevent the Entertainment, Harbouring or Concealing of Run-away Seamen, Be it further Enacted, That if any Ordinary-keeper or other Person shall hereafter entertain, harbour or conceal any Seaman, except he be able to give a good Account that he is about his lawful Business, such Ordinary-keeper or Person shall forfeit and pay Five hundred Pounds of Tobacco to him, her, or them that will inform or sue for the same in any Court of Record in this Colony and Dominion; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed. And if it so happen, that such Offender shall not be able to pay the said Sum of Five hundred Pounds of Tobacco, or to give Security for the Payment thereof at the succeeding Crop, the said Offender shall have and receive on his or her bare Back Twenty Lashes, well laid on, for his or her Offence.

Made Perpetual by an Act of 1713. Provided always, That this Act shall continue in Force for Two Years, and from thence to the End of the next Session of Assembly.

N° 10. *An Act for Settling and Ascertaining the Current Rates of Foreign Coins in this Dominion.*

Whereas her Majesty, by her Royal Proclamation, bearing Date the Eighteenth Day of *June*, in the Third Year of her Reign, has been pleased to direct, that Foreign Coins shall not pass in her Plantations in *America* above a certain Value therein mentioned: And forasmuch as the said Coins have not hitherto been ascertained in this her Majesty's Colony and Dominion of *Virginia*, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the several Species of Coin hereafter mentioned and set down, shall be Current, within this her Majesty's Colony and Dominion, in all Payments, for the Discharge of any Contracts, Bargains or Debts,

Debts, to be made or contracted after the Publication of this Act, and shall pass, be accounted, and received at the following Rates; to wit, Pieces of Eight of *Mexico*, *Sevil* and *Pillar*, Duccatoons of *Flanders*, Ecus of *France* or Silver Lewis, and Crusadoes of *Portugal*, and all Halves, Quarters and lesser Pieces of the same, shall pass at Three pence three farthings the Penny Weight; and all *Peru* Pieces, Cross-Dollars, and Old Rix-Dollars of the Empire, and lesser Pieces of the same, shall pass at Three Pence half-penny the Penny Weight. A. D. 1710.

AND be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That if any Person or Persons whatsoever deny or refuse to take and receive the aforesaid Coins or Moneys, or any of them, when offered or tendred in Payment of a Money Debt, contracted after the Publication of this Act, at the full Rate, Price and Value set by this Act, he, she, or they so refusing, shall lose and forfeit to the Party who offers or tenders the same, such Sum or Sums of Money, as he, she, or they so refuse and deny to take; to be recovered by Action of Debt in any Court of Record within this Dominion, wherein no Essoign, Protection, or Wager of Law shall be allowed. And in case the Forfeiture be less than Twenty Shillings, to be recovered upon a Complaint before any Justice of the Peace in the County where the Refusal happens to be made.

AND for the Conveniency of Change and small Payments, Be it further Enacted, That if her Majesty, her Heirs or Successors, shall think fit at any Time hereafter to permit Copper Money to be brought in and pass in this Colony, the same shall pass and be current in this Colony at the like Rates it doth pass in *Great Britain*. Provided, That no Person shall be obliged to take above Two Shillings and Six Pence of the said Copper Money in any one Payment whatsoever above Twenty Shillings, or to take above One Shilling of the said Copper Money in any one Payment under Twenty Shillings.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall hereafter presume to coin, counterfeit, falsifie or debase any of the Coins above-mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they so offending, upon being thereof lawfully convicted, shall be deemed and adjudged as Offenders in Treason, and shall suffer such Pains, Penalties and Forfeitures, as are mentioned in the Act of Parliament made in the Eighteenth Year of Queen *Elizabeth*.

PROVIDED neverthelefs, and it is hereby meant and intended, That nothing contained in this Act shall extend, or be construed to extend, to any Money Payment already due, or to her Majesty's Revenues arising within this Colony, or to the several Salaries payable out of the same, or to any Protested Bills of Exchange, or any other Specialty expresly limited to be Sterling Money, or any Debt contracted in *Great Britain*.

PROVIDED also, and it is hereby Declared, That nothing in this Act mentioned shall extend or be construed to restrain her Majesty from regulating and settling the several Rates of the said Species of Foreign Coins within this her Majesty's Colony and Dominion, in such other Manner, and according to such other Rates and Proportions, as her Majesty, by her Royal Proclamation for that Purpose to be issued, or by her Royal Instructions to her Governor or Commander in chief of this Colony for the Time being, shall, from Time to Time, judge proper and necessary.

An

A.D. 1710.

Nº 11.

An Act for Establishing County Courts, and for Regulating and Settling the Proceedings therein.

FOR the better and more expeditious Determination of all Controversies, that shall or may arise, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That in every County within this Dominion respectively, there shall be held a Monthly Court, according to the ancient Custom and Usage heretofore in that Behalf practised; which Courts shall be called County Courts, and shall be held in the several respective Places already assigned for that Purpose, or at such other Place or Places, as shall be lawfully appointed for that Use, and shall consist of Eight or more Justices for every Court respectively, who shall be called Justices of the Peace, and shall be commissionated by the Governor or Commander in chief of this Dominion for the Time being, by Commission under the Seal of the Colony, and not otherwise; any Four of which said Justices, whereof One to be of the *Quorum*, shall be sufficient to hear and determine all Causes, which shall be depending in the said County Courts respectively.

AND be it Enacted by the Authority aforesaid, That every Person, which shall from Time to Time, or at any Time hereafter, be commissionated to execute the Office of a Justice of the Peace, at and before his Entring into and upon the said Office, shall take the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in an Act, Intituled, *An Act to declare the Alteration in the Oath appointed to be taken by the Act*, Intituled, *An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of* Wales, *and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*; and shall make and subscribe the Declaration appointed by one Act of Parliament, made in the Twenty fifth Year of the Reign of the late King *Charles* the Second, Intituled, *An Act for preventing Dangers which may happen from Popish Recusants*. And if any Person whatsoever shall presume to take upon him the Office of a Justice of the Peace in any County in this Dominion, before he shall have taken the said Oaths, and every of them, and made and subscribed the said Declaration, as is afore directed, every Person so presuming to take upon him the Execution of the said Office, before he shall have taken the Oaths, and made and subscribed the Declaration afore-mentioned, and every of them, shall, for every such Offence, forfeit and pay Three hundred Pounds Sterling; one Moiety thereof to her Majesty, her Heirs and Successors; and the other Moiety thereof to him, her, or them that shall inform or sue for the same; to be recovered by Action of Debt in any Court of Record within this Dominion, wherein no Essoign, Protection, Privilege, Wager of Law, or any more than one Imparlance, shall be allowed.

PROVIDED always, That if the said Oaths, Declaration, or any of them, shall be abrogated by the Authority of the Parliament of *Great Britain*, or shall become otherwise void, the same shall also be adjudged, deemed and taken to be abrogated and become void in this Colony and Dominion.

AND be it Enacted by the Authority aforesaid, That the said County Courts shall be holden upon the several Days and Times hereafter mentioned; that is to say, For the County of *Henrico*, the Court shall be held upon the First *Monday* in every Month; for the County of *Charles-City*, upon the First *Wednesday* in every Month; for the County of *Prince George*, on the Second *Tuesday* in every Month; for the County of *Surrey*, upon the Third *Wednesday* in

in every Month; for the County of Isle of *Wight*, upon the Fourth *Monday* in every Month; for the County of *Nansemond*, upon the Fourth *Wednesday* in every Month; for the County of *Norfolk*, upon the Third *Friday* in every Month; for the County of *Princess Anne*, upon the First *Monday* in every Month; for the County of *Elizabeth-City*, upon the Third *Wednesday* in every Month; for the County of *Warwick*, upon the First *Thursday* in every Month; for the County of *York*, upon the Third *Monday* in every Month; for the County of *James-City*, upon the Second *Monday* in every Month; for the County of *New-Kent*, upon the Second *Thursday* in every Month; for the County of *King William*, upon the Third *Thursday* in every Month; for the County of *King and Queen*, upon the Fourth *Monday* in every Month; for the County of *Gloucester*, upon the Fourth *Thursday* in every Month; for the County of *Middlesex*, upon the First *Tuesday* in every Month; for the County of *Essex*, upon the Second *Thursday* in every Month; for the County of *Richmond*, upon the First *Wednesday* in every Month; for the County of *Lancaster*, upon the Second *Wednesday* in every Month; for the County of *Northumberland*, upon the Third *Wednesday* in every Month; for the County of *Westmorland*, upon the Last *Wednesday* in every Month; for the County of *Stafford*, upon the Second *Wednesday* in every Month; for the County of *Northampton*, upon the Third *Tuesday* in every Month; and for the County of *Accomack*, upon the First *Tuesday* in every Month. A.D. 1710.

And that all Persons may be the better ascertained when to attend any Process or Pleas they shall have depending in the said County Courts, or any of them, Be it Enacted by the Authority aforesaid, That the Courts of the several Counties shall be holden upon the respective Days herein before appointed, and shall not be adjourned to any other Time, than the next succeeding Court which shall be in Course, according to this Act.

Provided always, if it should so happen, That all Causes depending, or to be depending, in any of the said County Courts, cannot be heard and determined upon the Day herein before appointed for holding the Courts respectively, that then and in such Cases it shall be lawful, to and for the Justices of such Court, to adjourn and hold the Court *de die in diem*, until all Causes and Controversies then depending before them shall be heard and determined, or otherwise continued, according to the due Course of Law.

And be it further Enacted by the Authority aforesaid, That the Justices of the said County Court, or any Four of them, as aforesaid, may and shall take Cognizance of, and are hereby declared to have full Power, and lawful Authority and Jurisdiction, to hear and determine all Causes whatsoever, cognizable at Common Law or in Chancery, within their respective Counties; Except such Criminal Causes, wherein the Judgment upon Conviction shall be for the Loss of Life or Member, and except the Prosecution of Causes to Outlawry against any Person or Persons, and also except all Causes of less Value than Twenty Shillings Sterling, or Two hundred Pounds of Tobacco; all which said Causes of less Value than Twenty Shillings Sterling, or Two hundred Pounds of Tobacco, are hereby declared to be cognizable and finally determinable by any One Justice of the Peace.

Provided always, That if any Suit shall be commenced for Twenty Shillings Sterling, or Two hundred Pounds of Tobacco, or any greater Sum, and, upon settling and adjusting Accounts, the Balance due shall be less than those Sums, or any One of them, yet Judgment shall be granted for such lesser Sum; any thing herein before contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Justices of the Peace, and every of them, from Time to Time, and at all Times, during their Continuance in that Office, as well out of Court as within, shall have Power to maintain and keep the Peace within their respective Counties, in which, and in the hearing and determining all Causes in Court according to

A.D. 1710. the Authority and Power herein before mentioned to be granted to, and vested in them, or which is or shall be granted to, or vested in them by this or any other Act, they, and every of them, shall proceed to do Justice to all Persons whatsoever, according to Law: And to that Intent the said Justices of the Peace, and every One of them, at his or their Entring into and upon the Execution of the said Office of a Justice of the Peace, are hereby required and enjoyned, under the like Penalties and Forfeitures as is before-mentioned for not taking the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, to be recovered and divided in the same Manner, to take the following Oaths, and every of them, for the due Execution of his and their said Office and Offices respectively.

The Oath of a Justice of the Peace.

YOU shall Swear, That as a Justice of the Peace in the County of A——— in all Articles in the Commission to you directed, you shall do equal Right to the Poor and to the Rich, after your Cunning, Wit and Power, and according to Law: And you shall not be of Council of any Quarrel hanging before you; and the Issues, Fines and Amerciaments that shall happen to be made, and all Forfeitures which shall fall before you, you shall cause to be entred without any Concealment or Imbezilling. You shall not let for Gift or other Causes, but well and truly you shall do your Office of Justice of the Peace, as well within your County Court as without; and you shall not take any Fee, Gift or Gratuity for any thing to be done by Virtue of your Office; and you shall not direct, or cause to be directed, any Warrant (by you to be made) to the Parties, but you shall direct them to the Sheriff or Bailiffs of the said County, or other the Queen's Officers or Ministers, or other indifferent Persons, to do Execution thereof:

So help you God.

The Oath of a Justice of the County Court in Chancery.

YOU shall Swear, That well and truly you will serve our Sovereign Lady the Queen, and her People, in the Office of a Justice of the County Court of A——— in Chancery, and that you do equal Right to all manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, *without Favour, Affection or Partiality:*

So help you God.

And be it Enacted, That it shall and may be lawful for any Justice of the Peace, upon Complaint made to him by any Person, that his Debtor is removing himself out of the County privately, or hath absconded and concealed himself, so as the Ordinary Process at Law cannot be served against him, to grant an Attachment against the Estate of such Debtor, or so much thereof, as shall be of Value sufficient to satisfie the Debt of the Party praying such Attachment, returnable to the next County Court; which Estate being so attached, shall be Repleviable by Security given, and Appearance at the said next Court: Provided, that before granting such Attachment, the said Justice shall take Bond and Security of the Person praying the same, to pay all Damages that shall be awarded to the Defendant, in case the Plaintiff or Person desiring such Attachment, shall be cast in the Suit.

And

AND for the more easie and regular Prosecution and Determination of all Suits and Actions in the County Courts, Be it Enacted by the Authority aforesaid, That all Original Process, either by Writ, Summons, or any other Manner or Means, to bring any Person or Persons whatsoever to answer any Action, Suit, Information, Bill, or Plaint, in any of the County Courts; and all Executions and Attachments awarded by any of the said Courts at the Common Law; and all *Subpœna*'s, Attachments, and other Process in Chancery; and all other Process regularly and legally belonging and appertaining to any Cause or Matter, or depending, or to be depending in any of the said County Courts, shall be issued by the Clerk of the said County Courts respectively, and shall also be again returned to the same Office whence they were issued.

AND be it further Enacted, That all Process whatsoever, Returnable to any County Court, shall be executed at least Three Days before the Court-day therein mentioned for the Return thereof; and if any Process shall be delivered to any Sheriff or other Officer so late, that he cannot execute the same Three Days before the Return, then it shall not be lawful for such Sheriff or other Officer to execute the same, but he shall make Return thereupon according to the Truth of the Case. And if any Person takes out any Original Process within Three Days before a County Court-day, such Process shall be made Returnable to the next Court after the Court-day coming within Three Days, as aforesaid, and not otherwise. And all such Process, issued and made Returnable otherwise than is herein directed, shall be, to all Intents and Purposes, null and void.

PROVIDED always, That notwithstanding any thing herein contained, it shall and may be lawful for any Justice or Justices of the Peace, by Warrant under their Hand, to cause any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or other Criminal Offenders, to be apprehended and brought before the same or some other Justice or Justices, or before the next County Court, although there shall not be Three Days between the Execution of such Warrant and the Day of the Return thereof.

AND be it further Enacted by the Authority aforesaid, That the Issuing of Process against any Member of her Majesty's Council, or against the Sheriff of the County, and the Proceedings of the Court thereupon shall be after the same Manner in the County Court, as is directed for the General Court: And that upon the Sheriff's attaching the Body of any Person or Persons, and upon such Person or Persons failing to appear thereupon, the Method of Process against the Sheriff, his Executors or Administrators, or against his Estate; and also an Attachment for the Bail or Sheriff, or his Executors or Administrators, against the Estate of the Person failing to appear, shall be had and pursued after the same Manner as is directed for the General Court.

AND for the better and more regular Prosecution and Determination of all Causes in the said County Courts, and for the more exact Entring of the Judgments of the said County Courts, and for the Preservation of the Records; Be it Enacted by the Authority aforesaid, That these following Rules and Methods shall be observed, to wit;

THAT every Plaintiff or Demandant shall file his Declaration One Day before the Court; and any Person that desires the Clerk to draw his Declaration, shall give Directions for the same in Writing to such Clerk at least Two Days before the Court.

THAT if the Plaintiff or Demandant fails to file his Declaration, or to appear and prosecute his Suit, he shall be Nonsuit.

THAT where any Nonsuit is awarded by the Court, there shall Five Shillings be paid for the same, besides Costs of Suit.

THAT

A.D. 1710.

THAT the Defendant or Tenant ſhall prepare his Plea in Writing to the Declaration of the Plaintiff or Demandant.

THAT the Clerk of the Court do carefully preſerve the Declarations, Pleas, and all Evidences and other Papers relating to any Cauſe, and that they be all filed together in the Office.

THAT in all Caſes, where the Title or Bounds of any Eſtate in Land is determined, the Pleadings ſhall be all in Writing, and ſhall be entred at large, with the Judgment thereupon, in particular Books ſet apart for that Purpoſe only.

THAT all Proceedings and Judgments in Pleas of the Crown for Fines and Forfeitures, and in other Matters relating to her Majeſty's Revenues, be recorded in particular Books ſet apart for that Purpoſe.

THAT in all Caſes, where any Fine is laid upon the Members of the Veſtry of any Pariſh, One Action may be brought againſt them all joyntly.

AND for Prevention of Errors in Entring the Judgments of the County Courts, the Juſtices, before they adjourn the Court, ſhall cauſe the Minutes of their Proceedings to be publickly read by the Clerk, and corrected, as Occaſion ſhall require; and then the ſame ſhall be ſigned by the firſt Juſtice in Commiſſion preſent at ſuch Reading and Correction; which Minutes, ſo ſign'd, ſhall be taken in a Book and carefully preſerved amongſt the Records; and no Proceedings or Judgments of any Court ſhall be of Force or Valid, until they be ſo read and ſign'd, as aforeſaid.

AND be it further Enacted, That the Perſon, who ſhall become Special Bail in any Perſonal Action, ſhall be liable for ſatisfying the Judgment that ſhall be given againſt the Defendant, unleſs he ſhall render his Body in Execution in Diſcharge of his Bail; and if in any Perſonal Action the Plaintiff ſhall move, that the Defendant may be obliged to give Special Bail for ſatisfying the Judgment, it ſhall and may be lawful for the Court where ſuch Action ſhall be depending, if they ſee Cauſe, to commit the Defendant to the Cuſtody of the Sheriff, until he ſhall give ſufficient Bail accordingly.

PROVIDED, That No Perſon ſhall be obliged to give Special Bail in any Suit that ſhall be depending for the Breach of a penal Law.

AND foraſmuch as, by Exceptions taken to Declarations by dilatory Pleas, Juſtice is often delayed, to the great Vexation and unneceſſary Charge of her Majeſty's good Subjects; Be it therefore Enacted, That in all Perſonal Actions, where the Declaration ſhall plainly ſet forth all Matters of Subſtance required thereon to proceed upon the Merits of the Cauſe, the Suit ſhall not abate for want of Form.

AND be it further Enacted, That no Proceſs, depending in any County Court, ſhall be diſcontinued for or by reaſon of the Juſtices failing to hold Court upon the Day appointed for the ſame by this Act; but in caſe of ſuch Failure, all Suits, Proceſs, Matters and Things depending, ſhall be continued, and all Returns and Appearances ſhall be made to the next ſucceeding Court, in the ſame Manner, as if ſuch ſucceeding Court had been the ſame Court whereto ſuch Suits, Proceſs, Matters and Things were continued, or whereto ſuch Returns and Appearances ſhould otherwiſe have been made. And all Recognizances, Bonds, and other Obligations for Appearance, and all Returns, ſhall be of the ſame Force and Validity to enjoyn the Appearance of any Perſon or Perſons at ſuch ſucceeding Court, as if the ſame had been expreſly mentioned and ſet down therein. And if any One or more Juſtice or Juſtices of the

Court shall be a Party or Parties concerned in any Suit, Process, Matter or Thing depending in any County Court, and there shall not be Justices enough present to make a Court, according to this Act, besides such Justice or Justices so concerned, then such Suit, Process, Matter or Thing depending, shall stand continued to the next succeeding Court, as aforesaid; any Law, Custom or Usage to the contrary hereof in any wise notwithstanding. *A.D. 1710.*

AND for the better discovering the Truth in Matters of Fact to be tried in the County Courts, Be it Enacted, That the Rates and Orders hereafter set down, shall be observed, to wit;

THAT in all Cases, where Witnesses are to appear in the County Court, a Summons shall be issued for the same by the Clerk of such County Court for the Time being, expresly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit, wherein they are to give Evidence, and at whose Request they are summoned.

THAT if any Witness live in another County than where the Suit is depending, in which his Evidence is required to be given, a Summons shall be issued by the Clerk, and signed by some One Justice of the *Quorum* in the County where the Suit is depending, directed to the Sheriff of the County where such Witness resides; which Summons such Sheriff is hereby required to execute. And if thereupon the Witness shall fail to appear, he shall be fined in like Manner, as is hereafter directed for Witnesses living within the County. And if such Witness shall attend according to the Summons, he shall be allowed for the same in like Manner, as is directed for Witnesses attending the General Court. And if any such Witness shall, by Sickness, Age, or other Disability, be incapable to attend, then it shall be lawful for the Justices of the Court where such Witness should have attended, or any Two of them, whereof One to be of the *Quorum*, to issue One or more Commission or Commissions, for taking the Affidavit of such Witnesses so incapable to attend, in Manner as is directed in the like Case for the General Court.

THAT every Person, summoned as a Witness to any County Court, and failing to appear accordingly, and attend the Trial, for every such Failure shall forfeit and pay to the Party aggrieved, Three hundred and fifty Pounds of Tobacco; to be recovered, with Costs, by Action of Debt in any Court of Record within this Dominion, and shall be further liable to an Action on the Case, at the Suit of the Party aggrieved, for what Damages he shall sustain for want of such Person's Testimony.

PROVIDED always, That if at the Time such Person so summoned ought to have appeared, sufficient Cause be shewn of his or her Incapacity to attend, then no Forfeiture or Penalty shall be incurred by such Failure.

AND for the more regular granting of Appeals from the County Courts to the General Court, Be it Enacted, That when any Person or Persons, being Defendant or Tenant in the County Court, shall pray an Appeal to the General Court, such Person or Persons (before such Appeal shall be granted) shall give Bond, with good and sufficient Security, for the Prosecuting the same with Effect, and to perform the Judgments of the General Court, and to pay Damages, if the Judgments of the County Court shall be affirmed, in Manner as is hereafter directed, to wit, In all Personal and mixt Actions, the Damages shall be Fifteen *per Cent.* upon the Principal Sum, with all the Costs and Damages, ordered to be paid by the Judgment of the County Court; and in every Real Action the Damage shall be Two thousand Pounds of Tobacco, over and above all Costs, and other Charges and Damages, ordered to be paid by the Judgment of the County Court. And if any Person or Persons, being

A.D. 1710. Plaintiff or Demandant in the County Court shall appeal to the General Court, then the same Bail, which shall be given for the Appearance of the Defendant or Tenant at the County Court, shall also stand bound for the like Appearance at the General Court to answer the Appeal, unless, upon good Reason shewn, the County Court shall think fit to direct, that Special Bail be given to answer such Appeal. And if any Plaintiff or Demandant shall appeal to the General Court, as aforesaid, he shall give Bond, with Security, in the Sum of Twenty Pounds, current Money, that he will prosecute the same with Effect; and if he do not appear to prosecute the said Appeal, then the said Bond shall be forfeited to the Defendant or Appellee: And if the Appellant do appear, and upon Trial the County Court's Judgment shall be affirmed, in such case the Appellant shall pay to the Appellee Fifty Shillings, current Money, or Five hundred Pounds of Tobacco, besides all Costs accruing on such Appeal.

And be it further Enacted, That when a Judgment shall be obtained against any Person or Persons in the County Court in any Transitory Action, and the Person against whom the same is granted shall remove himself out of that County, so as Execution cannot thereupon be served on him, it shall and may be lawful for the Clerk of the Court, where such Judgment was granted, to make out, and for any Justice of the Peace of the *Quorum* in the said County, to sign an Execution against the Body of the said Defendant, and to direct the same to the Sheriff of any County within this Colony; and any Sheriff, to whom the said Execution shall be delivered, is hereby impowered and directed to serve the same upon the Body of the Defendant, being within his County, in the same Manner, as if the Execution had issued from the Court of the County where such Defendant shall be found.

And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

N° 12. Expired. 1713.

An Act for laying a Duty on Liquors and Slaves.

N° 13.

An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon.

BE it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted by the Authority of the same, That no Lands, Tenements, or other Hereditaments, shall pass, alter, or change from one to another, whereby an Estate of Inheritance in Fee-Simple, Fee-Tail, General or Special, or any Estate for Life or Lives, or any greater or higher Estate, shall be made or take Effect in any Person or Persons, or any Use thereof to be made by Bargain and Sale, Lease and Release, Deed of Settlement to Uses of Feoffment, or other Instrument, unless the same be made in Writing indented, sealed, and recorded in the Records of the General Court of this Colony, or in the Records of that County Court, where the Land mentioned to be granted or passed shall lie in Manner following; that

that is to ſay, If the Perſon or Perſons, who ſhall make and ſeal ſuch Bargain and Sale, Leaſe and Releaſe, Deed of Settlement to Uſes of Feoffment, or other Inſtrument, at the Time of ſuch making and ſealing, ſhall be reſident within this Colony, then the Recording thereof, as aforeſaid, ſhall be made within Eight Months from the Sealing and Delivery; but if the Perſon ſo making and ſealing, as aforeſaid, at the Time thereof ſhall be reſident in any other Place than within this Colony, the Recording, as aforeſaid, ſhall be made within Two Years from the Sealing and Delivery.

Provided always, That no ſuch Bargain and Sale, Leaſe and Releaſe, Deed of Settlement to Uſes, Deed of Feoffment, or any other Inſtrument, as aforeſaid, ſhall, by the General Court or County Court, as aforeſaid, be admitted to record, unleſs the ſame be acknowledged in ſuch Court by the Perſon or Perſons making or ſealing the ſame, or by ſome or one of them, to be his, her, or their proper Act and Deed; or elſe, that Proof be made of ſuch making and ſealing upon Oath by Three Witneſſes at the leaſt.

And be it further Enacted by the Authority aforeſaid, That the Bargain and Sale, Leaſe and Releaſe, or other Deed or Inſtrument heretofore made, or hereafter to be made, in Writing, indented and ſealed both by the Huſband and Wife, and by them perſonally acknowledged in the General Court or County Court, as aforeſaid, (the Wife being, or having been firſt privily examined, whether ſhe doth voluntarily aſſent thereto) ſhall be, and is hereby declared to be, to all Intents and Purpoſes, as valid and ſufficient in Law, to convey and paſs over all the Eſtate, Right, Title, Intereſt, Claim and Demand, which ſuch Wife may or ſhall have in any Lands, Tenements or Hereditaments ſo to be granted, conveyed and paſſed over, whether the ſame be in Right of Dower, in Fee-Simple, or whatſoever other Eſtate (not being Fee-Tail) ſhe may have therein, as if the ſame had been done by Fine and Recovery, or by any other Ways or Means whatſoever; any Law, Cuſtom or Uſage to the contrary thereof notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That it ſhall not be lawful, at any Time hereafter, for any Perſon or Perſons whatſoever, to levy any Fine, or to ſuffer any Recovery to be had, whereby to cut off or defeat any Eſtate in Fee-Tail, General or Special, of or in any Lands, Tenements or Hereditaments within this Colony; neither ſhall any ſuch Eſtates-Tail be cut off, or otherwiſe avoided or defeated by any Ways or Means whatſoever, except only by an Act of the General Aſſembly of this Dominion for the Time being, in ſuch Particular Caſe reſpectively to be had and made. And all and every Fine and Fines, Recovery and Recoveries, and every other Act and Acts, Thing and Things whatſoever, which ſhall hereafter be levied, ſuffered and made, done, performed or executed, for and towards the cutting off, avoiding or defeating any Eſtate-Tail whatſoever, otherwiſe than by Act of Aſſembly, as aforeſaid, ſhall be adjudged, deemed and taken, and are hereby declared to be, to all Intents and Purpoſes, null and void; any Law, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding.

And whereas in Times paſt ſeveral Perſons, purchaſing Lands in this Colony, have procured their Deeds and Conveyances for the ſame to be acknowledged and recovered, but not within Six Months after the making thereof, as by Law hath heretofore been required; and ſome Perſons have procured their ſaid Deeds and Conveyances to be recorded in other County Courts than where the Lands have lain, and to be regiſtred in the Council-Books; and other Perſons, purchaſing Lands, as aforeſaid, have taken Deeds and Conveyances for the ſame, not indented nor ſealed, or wherein no valuable Conſideration has been particularly ſet down and expreſſed; and ſome have taken Aſſignments of Lands only endorſed on the Patents; and others have purchaſed Lands, and taken Deeds for the ſame, but by reaſon of the Death of the Grantor, or ſome other ſuch like Accident, the ſaid Deeds have not been acknow-

A.D. 1710. knowledged in Court, according to the ſtrict Letter of the Law in that Caſe heretofore made, but yet have been proved in Court by the Oaths of Two or more Witneſſes, and recorded; and others have purchaſed Lands, and taken Deeds and Conveyances for the ſame, without Livery and Seizin being made thereupon in due Form of Law, by reaſon of which ſeveral Inadvertencies and Omiſſions, many Controverſies may hereafter ariſe, to the great Grievance and Charges of her Majeſty's good and lawful Subjects of this Dominion; For the Prevention thereof, Be it therefore Enacted by the Authority aforeſaid, That all Deeds and Conveyances whatſoever for any Lands within this Colony, heretofore acknowledged and recorded at any Time after the Expiration of the ſaid Six Months, or regiſtred in the Council-Books, or recorded in any other County Court than where the Lands therein mentioned to be conveyed have lain, ſhall be adjudged, deemed and taken, and are hereby declared to be, to all Intents and Purpoſes, as valid and available in Law, and ſhall enure and take Effect as fully and abſolutely to the Benefit and Advantage of all Perſons in Poſſeſſion of any Lands claimed thereby, and to their Heirs and Aſſigns, as if the ſame Deeds and Conveyances had been recorded within the ſaid Six Months in the General Court, or in that County Court where the Lands have lain, and not otherwiſe; any Law, Statute, Act, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding. And all Deeds and Conveyances whatſoever *bona fide* made for Lands within this Colony, not indented or ſealed, or wherein no valuable Conſideration hath been particularly ſet down and expreſſed; and all Aſſignments endorſed on Patents, ſhall be adjudged, deemed and taken, and are hereby declared to be, to all Intents Conſtructions and Purpoſes, as valid and available in Law, and ſhall enure and take Effect, as fully and abſolutely to the Benefit and Advantage of all and every Perſon and Perſons in Poſſeſſion of any Lands claimed thereby, to his and their own proper Uſe and Behoof, as if the ſame Deeds and Conveyances had been actually indented and ſealed, and as if a valuable Conſideration had been therein particularly expreſſed and ſet down, and as if the ſaid Aſſignments had been made, and the Lands therein mentioned conveyed in due Form of Law, and not otherwiſe; any Law, Statute, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding. And that all Deeds and Conveyances heretofore *bona fide* made for any Lands within this Colony, proved in Court by the Oaths of Two or more credible Witneſſes, to have been the Acts and Deeds of the Perſons therein mentioned to have made, ſealed and delivered the ſame, and a Record thereof made, ſhall be adjudged, deemed and taken, and are hereby declared to be as firm, valid and available in Law, to all Intents and Purpoſes, and ſhall enure and take Effect as fully and abſolutely to the Benefit and Advantage of all and every Perſon and Perſons in Poſſeſſion of any Lands claimed thereby, to his and their own proper Uſe and Behoof, as if the ſame Deeds and Conveyances had been really acknowledged in Court by the Grantor himſelf in Perſon; any Law, Statute, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding. And that all Deeds and Conveyances whatſoever, where Livery or Seizin might otherwiſe have been required, heretofore *bona fide* made by any Perſon or Perſons for any Lands, Tenements and Hereditaments within this Colony, where the Perſon or Perſons, to whom the ſame have been conveyed, have actually entred thereupon, and they, and thoſe who have their Rights, do ſtill continue in Poſſeſſion thereof by Virtue of ſuch Deeds and Conveyances, ſhall be adjudged, deemed and taken, and are hereby declared to be, to all Intents, Conſtructions and Purpoſes, as firm and valid in Law, and ſhall enure and take Effect as fully and abſolutely to the Benefit and Advantage of all and every Perſon and Perſons in Poſſeſſion of any Lands claimed thereby, as if Livery or Seizin had been thereupon made in due Form of Law, and not otherwiſe; any Law, Statute or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

PROVIDED always, That nothing herein contained ſhall be conſtrued, deemed and taken, ſo as to confirm any Lands, Tenements or Hereditaments whatſoever, to any other Perſon than thoſe now in actual Poſſeſſion thereof, and ſuch as ſhall, from Time to Time, or at any Time hereafter claim by, from, or under them; any thing herein contained to the contrary, or ſeeming to the contrary, thereof notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, That when any Deeds or Conveyances for any Lands, Tenements or Hereditaments within this Colony, ſhall hereafter be acknowledged or proved in any Court, in order to be recorded, as aforeſaid, the Livery of Seizin thereupon made (in ſuch Caſes where the ſame by Law is required) ſhall alſo in like manner be acknowledged or proved, and ſhall likewiſe be recorded, together with the Deed or Conveyance ſo requiring the ſame, and whereupon it ſhall have been made.

AND for the better quieting and avoiding of Suits, Be it Enacted by the Authority aforeſaid, That all Writs of *Formedon in Diſcender*, *Formedon in Remainder*, and *Formedon in Reverter*, of any Lands, Tenements, or other Hereditaments whatſoever at any Time hereafter to be ſued or brought by Occaſion or Means of any Title or Cauſe heretofore accrued, happened or fallen, or which hereafter may happen, ſhall be ſued and taken within Twenty Years next after the Title and Cauſe of Action firſt deſcended or fallen, and at no Time after the ſaid Twenty Years. And that no Perſon or Perſons, that now hath or have, or which hereafter may have, any Right or Title of Entry into any Lands, Tenements or Hereditaments, ſhall at any Time hereafter make any Entry, but within Twenty Years next after his or their Right or Title hath heretofore deſcended or accrued, or hereafter ſhall deſcend or accrue to the ſame; and in Default thereof, ſuch Perſons ſo not Entring, and their Heirs, ſhall be utterly excluded and diſabled from ſuch Entry after to be made.

PROVIDED neverthele ſs, That if any Perſon or Perſons, that is or ſhall be entitled to ſuch Writ or Writs, or that hath or ſhall have ſuch Right or Title of Entry, be or ſhall be, at the Time of the ſaid Right or Title firſt deſcended or accrued, come or fallen within the Age of One and twenty Years, Feme-Covert, *Non compos mentis*, Impriſoned, or out of this Colony, that then ſuch Perſon and Perſons, and his and their Heir or Heirs, ſhall or may, notwithſtanding the ſaid Twenty Years are expired, bring his Actions, or make his Entry, as he might have done before this Act, ſo as ſuch Perſon and Perſons, or his or their Heir and Heirs, ſhall, within Ten Years next after his or their full Age, Diſcoverture, coming of ſound Mind, Inlargement out of Priſon, or coming into this Dominion, or Death, take Benefit of, and ſue for the ſame, and at no Time after the ſaid Ten Years.

AND be it further Enacted by the Authority aforeſaid, That no manner of Perſon or Perſons ſhall from henceforth ſue, have or maintain any Writ of Right, or make any Preſcription, Title or Claim to or for any Lands, Tenements, Rents, Annuities, or other Hereditaments, of the Poſſeſſion of his or their Anceſtor or Predeceſſor, but only of the Seizin or Poſſeſſion of his Anceſtor or Predeceſſor, which hath been, or now is, or ſhall be ſeized of the ſaid Lands, Tenements, Rents, Annuities, or other Hereditaments, within Thirty Years next before the *Teſte* of the ſame Writ, or next before the ſaid Preſcription, Title or Claim, ſo hereafter to be ſued, commenced, brought, made, or had. And that no manner of Perſon or Perſons ſhall hereafter ſue, have or maintain any Aſſize of *Mort d' Anceſtor*, *Coiſinage*, *Ail*, Writ of Entry upon Diſſeizin done to any of his Anceſtors or Predeceſſors, or any other Action poſſeſſory upon the Poſſeſſion of any of his Anceſtors or Predeceſſors, for any Lands, Tenements, or other Hereditaments of any further Seizin or Poſſeſſion of his or their Anceſtor or Predeceſſor, but only of the Seizin or Poſſeſſion of

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A.D. 1710. his or their Anceſtor or Predeceſſor, which was, or hereafter ſhall be ſeized of the ſame Lands, Tenements, or other Hereditaments, within Thirty Years next before the *Teſte* of the ſame Writ hereafter to be brought. And that no Perſon or Perſons ſhall hereafter ſue, have or maintain any other Action, Writ or Suit whatſoever, for any Lands, Tenements, or other Hereditaments, of or upon his own Seizin or Poſſeſſion therein, or of or upon the Seizin and Poſſeſſion therein of any other Perſon or Perſons (whoſe Right he or they ſhall have) above Thirty Years next before the *Teſte* of the ſame Writ hereafter to be brought.

Provided nevertheleſs, That if any Perſon or Perſons, that is or ſhall be entitled to ſuch Writ or Writs of Right, Aſſize of *Mort d' Anceſtor*, *Coiſinage*, *Ail*, Writ of Entry upon Diſſeizin, or that hath or ſhall have ſuch Right to make any Preſcription, or to have or maintain any other Action, Writ or Suit, as aforeſaid, be, or ſhall be, at the Time of ſuch Right or Title firſt deſcended, accrued, come or fallen within the Age of One and twenty Years, Feme-Covert, *Non compos mentis*, Impriſoned, or out of this Colony, that then ſuch Perſon or Perſons, and his and their Heir and Heirs, ſhall or may, notwithſtanding the ſaid Thirty Years are expired, bring his Suit, or make his Preſcription, Title or Claim, as he might have done, if this Act had not been made, ſo as ſuch Perſon or Perſons, or his and their Heir and Heirs, ſhall, within Ten Years next after his or their full Age, Diſcoverture, coming of ſound Mind, Inlargement out of Priſon, or coming into this Dominion, or Death, take Benefit of, and ſue for the ſame, and at no Time after the ſaid Ten Years.

Provided always, That all Perſons, that are now out of this Colony, and have any Pretence of Right, Title or Claim to any Lands, Tenements or Hereditaments within this Colony, where they, or thoſe under whom they claim, have not been in actual Poſſeſſion thereof within the Space of Twenty Years laſt paſt, ſhall commence and proſecute their Suit, for the Recovery thereof, within Ten Years next coming after the laſt Day of *May*, which ſhall be in the Year of our Lord One thouſand ſeven hundred and eleven, and at no Time after the ſaid Ten Years.

And foraſmuch as the Right and Titles to Lands in this Colony do originally and chiefly depend on, and are derived from Patents granted for the ſame; For Prevention of Controverſies, which may hereafter ariſe concerning the Validity of Patents for Land in this Colony formerly iſſued, which are not to be found among the Records in the Secretary's Office, or which have not been duly entred upon Record, or for which no Rights have been obtained in the Manner preſcribed by Law, Be it Enacted by the Authority aforeſaid, That all ſuch Patents for any Lands in this Colony formerly granted by the Governor or Commander in chief thereof for the Time being, ſhall be held, deemed and taken, and are hereby declared to be, to all Intents, Conſtructions and Purpoſes, as firm, valid and available in Law, to convey and aſſure the Lands therein granted unto ſuch Perſon and Perſons, as the ſame ſhall have been granted unto reſpectively, and to their Heirs and Aſſigns for ever, now being in Poſſeſſion thereof, as if ſuch Patents had been legally entred upon the Records in the Secretary's Office, and as if Rights had been in legal Manner obtained for the ſame, and duly entred upon the Records, as they ought to have been; any Law, Statute or Uſage to the contrary thereof in any wiſe notwithſtanding. And upon the Paſſing of any Patent for Land hereafter, the Secretary of this Colony and Dominion for the Time being, is hereby required to cauſe ſuch Patent to be truly entred upon the Records of his Office, together with the Certificate for Rights, either by Importation, or by Money paid to the Receiver General of this Colony, whereupon ſuch Patent ſhall have been obtained.

And

And whereas, in and by Patents granted for Land in this Colony, it is provided, "That the Patentee or Patentees shall seat and plant the Land therein "to him or them granted within Three Years from the Date of the Patent," for the better and more certain understanding of the said Proviso, Be it Enacted by the Authority aforesaid, That if upon a new Survey of Lands, heretofore granted to any Person or Persons, there shall appear to be a greater Number of Acres within the Bounds expressed, than are mentioned and set down in the Patent, in such case it shall be lawful for the Proprietor and Possessor of such Lands for the Time being to sue forth a new Patent for the same Lands, wherein the just Quantity of Land shall be more exactly set down; yet nevertheless such Proprietor and Possessor shall not be obliged to make any new Seating or Planting upon the said Land, for or by reason of the Proviso in such new Patent, but the same shall enure and take Effect to his Benefit and Advantage as fully and absolutely to all Intents and Purposes, as if the said Proviso were not mentioned in such new Patent; any thing herein contained to the contrary thereof in any wise notwithstanding. And that where any Person hath heretofore taken up any Tract or Parcel of Land, adjoyning to any other Tract of Land, theretofore in the Possession of such Person, and shall thereupon have obtained a Patent (commonly called a Double Patent) wherein both Tracts shall have been joyned together, in such Case all Patents heretofore so granted, shall be, and are hereby declared to be valid and available in Law, to confirm the same to the Patentee and Patentees, and those claiming under him, her, or them, being in Possession thereof, to his, her, and their Heirs for ever, without making any new Seating and Planting, for or by reason of Two Tracts being joyned in One Patent, as aforesaid; any thing in the said Proviso in the Patent contained to the contrary thereof in any wise notwithstanding.

Provided always, That nothing herein contained shall be construed, deemed or taken to give Liberty to any Person or Persons hereafter to sue forth such Double Patents, as aforesaid, and to enjoy the Lands therein granted (by Virtue thereof) without Seating and Planting that Part of the Land so taken up and joyned, as aforesaid, to the Land theretofore in his, her, or their Possession, according to the said Proviso in the Patent.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall hereafter obtain a Patent for any Tract of Land within this Colony, and shall fail to seat and plant the same within Three Years, according to the Proviso thereof, or shall fail to pay the full Quit-Rents for the Quantity of Land mentioned in his Patent, according to the Condition thereof, for the Space of Three Years, such Person or Persons shall not only lose the Land so granted, and not seated and planted, and for which the Quit-Rents shall be unpaid, during the Space aforesaid, but shall also forfeit and lose all benefit and Advantage, he might otherwise make by those Rights upon which he obtained such Patent.

And be it further Enacted, That no Patent shall hereafter be granted to any Person or Persons, for any Tract or Parcel of Land, as lost and forfeited for want of Seating and Planting, or for not paying the Quit-Rents, as aforesaid, until Three Years shall be expired from and after the Date of the first Patent granted for the same, or unless there shall be Three Years Quit-Rents in Arrear: Neither shall any Patent be granted by reason of such Forfeiture, until Judgment and Certificate obtained from the General Court shall be procured for the same in Manner following; that is to say, the Person desiring such Grant of Forfeited Lands, shall first petition the Governor or Commander in chief of this Colony for the Time being, and shall in his Petition set forth what County the Land lies in, and to whom it was formerly granted, for what Cause the same is become forfeited, and in what County the Grantee resides; and the said Petitioner shall at the same Time file a Copy of his said Peti-

A.D.1710. Petition in the Secretary's Office, whereupon it ſhall and may be lawful to and for the Clerk of the ſaid Office, and he is hereby authorized and required to iſſue out a Writ to the Sheriff of the County, where the Grantee reſides, to ſummon the ſaid Grantee to appear at the next ſucceeding General Court, on a certain Day thereof, to ſhew Cauſe why ſuch Land, formerly granted to him, and by him forfeited for want of Seating and Planting, or for Non-payment of the Quit-Rents, as the Caſe is, may not be granted to the Party petitioning for the ſame. Which Writ ſhall be ſerved upon ſuch Grantee by the Sheriff or Under-Sheriff of the reſpective County, where he reſides; and if upon the Return thereof ſo ſerved the Grantee do not appear, or ſome other Perſon in his Behalf, and make ſufficient Proof, that the Land petitioned for hath been ſeated and planted, or that the Quit-Rents have been duly paid for the ſame, as the Caſe is, then the General Court ſhall adjudge the ſaid Land to be forfeited, and veſted again in the Crown, and ſhall cauſe an Order or Judgment to be entred accordingly, and ſhall certifie the ſame to the Governor or Commander in chief of this Dominion for the Time being; and alſo, that it doth appear to them, that the then Proſecutor was the firſt Petitioner for the ſaid Land, and hath purſued the ſame with Effect; which Certificate ſhall entitle the Party obtaining the ſame, to have a Patent for the ſaid Lands, in the ſame Manner, and under the ſame Reſtrictions and Proviſoes, as Lands not before patented. And if there ſhall happen to be a greater Quantity of ſuch Forfeited Land, than ſhall be granted to the firſt Petitioner, then the Reſidue of ſuch Land ſo forfeited ſhall be granted to ſuch other Perſon or Perſons, as ſhall petition for the ſame, under the like Reſtrictions and Proviſoes, and in the ſame Manner, as Lands not before patented ſhall be granted.

PROVIDED always, That if upon Trial it ſhall appear, that ſuch Lands ſo petitioned for, as aforeſaid, ſhall have been ſeated and planted by the firſt Patentee, or thoſe claiming under him, before the exhibiting of ſuch Petition, in that Caſe ſuch Seating and Planting, though not made within Three Years after the Date of the Patent, ſhall be adjudged, and is hereby declared to be a ſufficient Seating and Planting to fulfil the Proviſo afore-mentioned, expreſſed in the Patent.

PROVIDED always, and it is hereby declared to be the true Intent and Meaning hereof, That where any Perſon ſhall obtain a Patent for Land, and ſhall depart this Life within Three Years after the Date of the Patent, without Seating and Planting, or paying the Quit-Rents, according to the Condition and Limitation in his ſaid Patent, and the Right of Inheritance to the ſaid Land ſhall deſcend to any Infant under the Age of One and twenty Years, Feme-Covert, or Perſon out of the Country, in that Caſe the ſaid Land ſhall not be adjudged to be forfeited for Non-payment of the Quit-Rents, or for not Seating and Planting thereon, until Three Years after the Death of ſuch Patentee. And if the Guardian to ſuch Infant under the Age of One and twenty Years, or the Husband of the ſaid Feme-Covert, to whom the ſaid Land ſhall deſcend, ſhall ſuffer the ſaid Land to lapſe and become forfeited for want of Seating and Planting thereon, or for Non-payment of the Quit-Rents within the ſaid Three Years, ſuch Guardian and Husband reſpectively, and their Heirs, Executors and Adminiſtrators, ſhall be liable to anſwer the full Value of the Land ſo forfeited unto the Heir at Law, after his or her coming of Age or Diſcoverture.

AND whereas divers Perſons in this Colony have entred for, and obtained Patents of Swamps, Marſhes, and ſunken Grounds, lying adjacent to the high Grounds of Perſons theretofore patented, without the Knowledge or Privity of the Owner of ſuch adjacent high Land, to the great Prejudice and Inconvenience of the Owners of ſuch high Lands: For Remedy whereof for the future, Be it Enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall take up and patent any Swamps, Marſhes, or ſunken Grounds,

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lying contiguous to the high Land of any Person or Persons theretofore patented, until such Person or Persons, intending to take up and patent the same, shall, in the Presence of Two Witnesses, have given Notice of such his Intention to the Proprietor and Possessor for the Time being in Possession of such high Land, and until One whole Year shall be fully expired from and after the Time of giving such Notice, as aforesaid, and then it shall and may be lawful to and for such Person or Persons, having given Notice, as aforesaid, and to his, her, or their Heirs or Assigns, to take up and patent the same; in which Patent shall be particularly expressed and set down, whether the Lands therein granted are Swamps, Marshes, or sunken Grounds, and to whose high Lands they are adjoyning. And all and every Patent and Patents, which shall be obtained contrary to the true Intent and Meaning hereof, are hereby declared to be, to all Intents, Constructions and Purposes whatsoever, Null and Void, as if the same had never been made; any Law, Statute or Usage to the contrary notwithstanding. And if any Controversie shall thereafter arise concerning such Notice being given within Five Years after such Person or Persons (having given Notice, as aforesaid) shall be in actual Possession of such Swamps, Marshes, or low Grounds, as aforesaid, the *Onus probandi* shall lie upon the Person who ought to have given the Notice. And if no such Controversie do arise in that Time, Five Years Possession shall be held and taken as good Proof, that Notice was given, according to the true Intent and Meaning hereof.

PROVIDED always, That nothing herein contained shall be construed, deemed or taken to give Liberty to any Person or Persons to take up and patent any such Swamps, Marshes, or sunken Grounds, lying contiguous to the high Lands of any Feme-Covert, Infant under the Age of One and twenty Years, or any Person not being *compos mentis*, on Pretence or by Virtue of Notice being given, as aforesaid, either to such Feme-Covert, Infant, or Person *non compos mentis*, or to the Husband, Guardian, or other Person, being in Possession thereof.

AND whereas, through the Ignorance or Negligence of Surveyors in former Times, divers Persons have taken up and held greater Quantities of Land, than are mentioned in their Patents or Deeds, and for which they pay no Quit-Rents; For quieting the Possessions of such Persons, and for preventing all Controversies that may hereafter arise by any Person or Persons pretending to take up the said Surplus Land, Be it Enacted by the Authority aforesaid, That it shall not be lawful for any Person to enter for any Parcel of Land, held of the Crown, for or by reason of its being Surplus Land, until the Party intending to take up and patent the same, shall have given Notice to the Person holding such Lands, in the like Manner as is herein before directed for Marshes, Swamps, and sunken Grounds, and until One whole Year shall be fully expired from and after the Time of giving such Notice; and in case the Possessor of the said Land shall not, within the said Year, obtain Rights for the said Surplus Lands, and give an Account to the Sheriff of the County, where the said Lands lie, of the just Quantity held by him, and pay all the Quit-Rents that shall be due for the same from and after the Publication of this Act, it shall and may be lawful to and for the Person who gave the Notice, as aforesaid, to survey the said Lands at his own Charge, and to sue forth a new Patent for all the Surplus Lands that shall be found within the Bounds of the Patent, Deed, or other Title or Conveyance, by which the same is held; which Lands shall be granted to him in the same Manner, and under the like Restrictions, Limitations and Conditions, as Lands not before patented.

A.D. 1710. PROVIDED always, That it ſhall be in the Power of the Patentee or Poſſeſſor to aſſign and allot the Surpluſage Land, to the Perſon claiming the ſame, in what Part of the Tract he pleaſes, in One entire Piece.

PROVIDED alſo, That if, upon Notice given, as aforeſaid, the Perſon in Poſſeſſion ſhall, within the ſaid Year, ſurvey his Tract, and it be found that he hath no more Land than he pays Quit-Rents for, the Perſon giving ſuch Notice ſhall be liable to pay all the Charge of the ſaid Survey for his unjuſt Vexation, and be liable to an Action on the Caſe for the ſame at the Suit of the Party grieved. And that in all ſuch new Surveys an Allowance ſhall be made to the Patentee or Poſſeſſor, of Five Acres for every Hundred, for the Variation of Inſtruments.

AND for preventing any Controverſies that may hereafter ariſe about the Bounds of Lands, held and poſſeſſed by the Inhabitants of this Colony, Be it Enacted by the Authority aforeſaid, That once in every Four Years the Bounds of every Perſon's Land ſhall be proceſſioned (or gone round) and the Land-Marks renewed, in Manner following; that is to ſay, The Court of every County, at ſome Court between the Firſt Day of *June* and the Firſt Day of *September*, which ſhall be in the Year of our Lord God One thouſand ſeven hundred and eleven, and ſo between the Firſt Day of *June* and the Firſt Day of *September*, in every Fourth Year thereafter, by Order of Court, ſhall direct the Veſtry of each Pariſh within their County reſpectively, to divide their Pariſhes into ſo many Precincts, as to them ſhall ſeem moſt convenient, for proceſſioning every particular Perſon's Land in their ſeveral reſpective Pariſhes, and to appoint the particular Times between the Laſt Day of *September* and the Laſt Day of *March* then next coming, when ſuch Proceſſioning ſhall be made in every Precinct; and alſo to appoint at leaſt Two intelligent honeſt Freeholders of every Precinct, to ſee ſuch Proceſſioning performed, and take and return to the Veſtry an Account of every Perſon's Land they ſhall proceſſion, and of the Perſons preſent at the ſame, and of what Lands in their Precincts they ſhall fail to proceſſion, and of the particular Reaſons of ſuch Failure; which Order ſhall be ſignified in Writing to the Church-wardens of every Pariſh within every reſpective County in this Colony, by the Clerk of the Court, within Ten Days after the making thereof; and thereupon the Church-wardens ſhall cauſe a Veſtry to be ſummoned, to meet within Ten Days after the Receipt of ſuch Order, at which Veſtry the ſaid Order of Court ſhall be exactly and punctually obeyed in every Particular, and thereupon Notice ſhall be punctually given by the Church-wardens, at the Church or Chapel of the Pariſh, at leaſt Three *Sundays* next before the ſame is to be performed, of the Perſons and Times ſo appointed by the Veſtry, for Proceſſioning in every ſeveral Precinct, as aforeſaid: And alſo the Veſtry ſhall cauſe the Accounts of the Two honeſt Freeholders of every Precinct, made and returned to them, as aforeſaid, to be regiſtred in particular Books, to be kept for that Purpoſe, by the Clerk of the Veſtry. And to prevent any Miſtakes or Omiſſions that may happen in every ſuch Regiſter, the Church-wardens, in Preſence of the Veſtry of the Pariſh, ſhall examine the ſame, and compare them with the Original Returns within Six Months after ſuch Return ſhall be made from Time to Time, and ſhall accordingly certifie the ſame, by ſetting their Hands to an Atteſtation thereof in the Regiſter ſo by them examined and compared. And that no Perſon may pretend Ignorance of his Duty herein, the Veſtries are alſo to direct what Precinct or Precincts in their Pariſh reſpectively every particular Freeholder thereof ſhall attend and perform the Proceſſioning, as aforeſaid. And if any Pariſh ſhall happen to lie in ſeveral Counties, then the Orders of the Court of each County ſhall be ſignified, as aforeſaid, to the Church-wardens thereof, as aforeſaid, and ſhall alſo be obeyed by the Veſtry in Manner as is before

fore directed. And if any County Court ſhall at any Time hereafter fail to perform their Duty herein, every Juſtice of the Peace in ſuch County ſhall forfeit and pay the Sum of One thouſand Pounds of Tobacco. And if any Veſtry ſhall at any Time hereafter fail to perform their Duty herein, every particular Member of ſuch Veſtry ſhall forfeit and pay the Sum of Two hundred Pounds of Tobacco. And if any Church-warden or Church-wardens ſhall at any Time hereafter fail to perform his or their Duty herein, every ſuch Church-warden ſhall forfeit and pay the Sum of Five hundred Pounds of Tobacco. And if the Clerk of any Court ſhall hereafter fail to perform his Duty herein, ſuch Clerk ſhall forfeit and pay One thouſand Pounds of Tobacco: Which ſaid Forfeitures ſhall be, one Moiety to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of the Government, and the contingent Charges thereof; the other Moiety to him or them that will inform or ſue for the ſame; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed.

Provided always, That upon any Information brought, or Suit commenced againſt any Juſtice of the Peace, Veſtryman, or Church-warden, for the Breach of this Act, if the Defendant or Defendants ſhall give ſufficient Evidence to the Court, where ſuch Information or Suit ſhall be depending, that he was neceſſarily abſent from ſuch Court or Veſtry, or that being there, he offered to do his Duty, in Purſuance of this Act, then the Information or Suit ſhall be diſmiſſed. And if any other Perſon, not having lawful Excuſe, ſhall fail to perform his Duty herein, every ſuch Perſon ſhall forfeit and pay the Sum of Five hundred Pounds of Tobacco; to be recovered, with Coſts of Suit, by the Church-warden or Church-wardens of the Pariſh wherein ſuch Forfeiture ſhall be incurred; to be applied for and towards the purchaſing of Ornaments for the Church or Chapel of ſuch Pariſh.

And be it further Enacted, That the Proceſſion of the Bounds of any Perſon's Land, at Three ſeveral Times of Proceſſioning in Manner aforeſaid, ſhall be held, deemed and taken to be ſufficient to ſettle the Bounds, ſo as the ſame may never thereafter be altered.

And whereas divers Perſons, Owners of Lands in this Colony, refuſe to ſuffer their ſaid Lands to be proceſſioned, to the great Inconvenience and Damage of the Owners of Lands thereto adjoyning: For Remedy whereof, Be it Enacted by the Authority aforeſaid, That if the Owner of any Lands ſhall refuſe to ſuffer his Lands to be proceſſioned, purſuant to the Directions in this Act given, that then and in ſuch caſe the Two Freeholders, appointed to proceſſion the ſame, ſhall, within Ten Days after ſuch Refuſal, certifie the ſame, under their Hands, to the Church-wardens of the Pariſh, where the ſaid Lands ſhall lie, who ſhall carry the ſaid Certificate to the next Sitting of the Court, from which the Order for proceſſioning the ſaid Lands did iſſue; which ſaid Court ſhall order the Surveyor of their County, with a Jury, to lay out and proceſſion the Lands of the Perſon refuſing to ſuffer his Lands to be proceſſioned, at the Charge of the Perſon ſo refuſing, and to return the Survey thereof, with the Proceedings, to the next Court after the Survey made; which Survey and Proceedings ſhall be recorded in the Records of the ſaid County Court, and a Copy thereof ſhall, by the Clerk of the ſaid County Court, be ſent, within Ten Days after the Return of the ſaid Survey and Proceedings, to the Church-wardens of the Pariſh, where the ſaid Lands ſhall lie, and ſhall be regiſtred in the Veſtry-Book of the ſaid Pariſh. And if the Lands of the Perſon refuſing to ſuffer ſuch Proceſſioning to be made, ſhall happen to lie in more Counties than One, then a Certificate ſhall be made to each of the Courts of the ſaid Counties in Manner aforeſaid;

A.D. 1710. aforesaid; whereupon the Court for the County in which the Beginning of the Bounds of such Lands shall lie, shall order the Surveyor, with a Jury of their County, to survey and procession the whole Bounds of such Land; and the Sheriff of each of the said Counties to attend such Survey in their respective Counties: Which Survey and Surveys, in Manner aforesaid made, shall be held, deemed and taken to be a sufficient Processioning of the said Lands, to all Intents and Purposes, as if the same had been made and done by and with the Consent of the Owner of the said Lands. And if any Justice of Peace, Church-warden, County Court Clerk, or other Person, shall fail to perform his or their Duty herein, not having lawful Excuse therefore, he and they shall forfeit and pay the like Penalties, as are before in this Act laid and given on such Justice, Church-warden, Clerk, and other Person respectively failing to do his and their Duty in the due Execution of this Act; to be recovered in like Manner, and to the Uses aforesaid.

PROVIDED always, That the Procession and Settlement of the Bounds of any Lands belonging to any Person, being only Tenant for Life of the said Lands, shall not bar or conclude the Heir in Reversion or Remainder to the said Lands, but that such Heir may at any Time within Six Years after the Death of the Tenant for Life, controvert the said Bounds, as if such Procession and Settlement had never been made.

PROVIDED also, That the Processioning and Settling the Bounds of any Lands belonging to any Person, being within the Age of One and twenty Years, Feme-Covert, *Non compos mentis*, Imprisoned, or out of the Colony, shall not be conclusive to such Person, until after the Expiration of Six Years from and after the said several Incapacities shall be removed and determined.

AND whereas by an Act of Assembly, made at a General Assembly begun at the Capitol the Twenty third Day of *October*, in the Year One thousand seven hundred and five, Intituled, *An Act concerning the Granting, Seating, and Planting, and for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon*, It is (among other Things) Enacted, "That the Bounds of every Person's Land in this Colony shall be "processioned in Manner therein directed:" In Pursuance of which said Act of Assembly, the Lands of several Persons in this Colony have, at great Charge and Trouble, been processioned; Be it therefore Enacted by the Authority aforesaid, That all and every processioning of Lands, which shall have been performed and made in pursuance of, and according to the Directions of the said Act, shall be held to be good, valid, and effectual; and that every Procession of Land, which shall have been made and performed in pursuance of the said Act in Manner thereby prescribed, shall be held, deemed and taken, and is hereby declared to be One of the Three Times of processioning the said Land by this Act held, deemed and taken to be sufficient to settle the Bounds of Lands, so as the same may never thereafter be altered.

AND be it further Enacted and Declared, That if any Person or Persons shall at any Time hereafter shoot, hunt, or range upon the Lands and Tenements, or fish or fowl in any Creeks or Waters included within the Lands of any other Person or Persons, without Licence for the same first obtained of the Owner and Proprietor thereof, every such Person so Shooting, Hunting, Fishing, Fowling, or Ranging, being thereof convict by Confession, or the Oath of One Witness, shall forfeit and pay, for every such Offence, the Sum of Five hundred Pounds of Tobacco, to be recovered, with Costs, by the Person or Persons that shall be thereby aggrieved, to their own proper Use, by Bill, Plaint, Information, or Action of Debt in any Court of Record within this Dominion, in which no Essoign, Protection, Privilege, Wager of Law, or any more than one Imparlance, shall be allowed; and moreover, shall be liable to an Action at Common Law, wherein the Party grieved shall recover his Damages.

mages. And if any Person ſhall be a Third time convicted, in Manner aforeſaid, of ſuch Shooting, Hunting, Fiſhing, Fowling, or Ranging, the Juſtices of that Court, over and above giving Judgment for the Forfeiture, as aforeſaid, ſhall commit ſuch Perſon to the Common Goal, there to remain until he ſhall find ſufficient Sureties to be bound with him in the Sum of Ten Pounds Sterling, for his good Behaviour for One Year then next coming; and if he ſhall within that Time be found guilty by Confeſſion or the Oath of One Witneſs, of Shooting, Hunting, Fiſhing, Fowling, or Ranging, as aforeſaid, the ſame ſhall be, and is hereby enacted and declared to be a Breach of the good Behaviour. A.D. 1710.

And be it further Enacted, That one Act of Aſſembly, made at a General Aſſembly begun at the Capitol the Twenty third Day of *October*, in the Year One thouſand ſeven hundred and five, Intituled, *An Act concerning the Granting, Seating and Planting, and for ſettling the Titles and Bound of Lands, and for preventing unlawful Shooting and Ranging thereupon*, and all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to any Matter or Thing whatſoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purpoſes, as if the ſame had never been made.

An Act for Reviving and Continuing an Act for Security and Defence of the Country in Times of Danger.

No 14. Expired, 1712.

An Act for finiſhing a Houſe for the Governor of this Colony and Dominion.

No 15. Effected.

An Act to explain Part of an Act of Aſſembly, Intituled, An Act for Eſtabliſhing the General Court, and for Regulating and Settling the Proceedings therein.

No 16.

Whereas by an Act of Aſſembly, made at a General Aſſembly begun at the Capitol the Twenty third Day of *October*, in the Year One thouſand ſeven hundred and five, Intituled, *An Act for Eſtabliſhing the General Court, and for Regulating and Settling the Proceedings therein*, It is (among other Things) Enacted, " That the General Court of this Dominion, and the " Courts held before the Juſtices of the Peace in the ſeveral reſpective Coun- " ties, commonly called the County Courts, ſhall be deemed and taken, and " are hereby declared to be the only Courts of Record of or in this Domi- " nion, and that no other Court or Courts whatſoever ſhall be conſtrued, " deemed or taken to be ſuch;" whereupon ſome Doubts and Queſtions have been made: Wherefore, for the better Explanation of the ſaid Act, Be it En-

A.D. 1710. acted and Declared by the Lieutenant Governor, Council, and Burgesses of this General Assembly, and by the Authority of the same, That nothing in the said Act contained shall be construed, deemed or taken to derogate from, lessen or abridge the Royal Power, Prerogative and Authority of her Majesty, her Heirs and Successors, of granting Commission or Commissions of *Oyer* and *Terminer*, or of Constituting and Erecting such other Court or Courts of Record, as her Majesty, her Heirs or Successors, by her or their Commission or Commissions, Instruction or Instructions, to her or their Governor or Commander in chief of this Colony and Dominion for the Time being, shall direct, order or appoint.

AND be it further Enacted, That nothing in the said Act contained shall be construed, deemed or taken to derogate from, lessen or abridge the Royal Power, Prerogative and Authority of her Majesty Queen *Anne*, her Heirs and Successors, of receiving, hearing and determining any Cause or Causes, which shall or may be brought before her Majesty, her Heirs or Successors, by Appeal from the Judgment, Decree or Sentence of the said General Court, or to debar or hinder any Person whatsoever from demanding and obtaining an Appeal from any Judgment, Decree or Sentence of the said General Court, which shall or may be given or made against him to her Majesty, her Heirs and Successors, in such Cases where the same are, or at any Time hereafter shall or may be allowable by the Order or Instruction of her Majesty, her Heirs or Successors, to her or their Governor or Commander in chief of this Colony and Dominion for the Time being; and that all such Appeals, Commissions, and Instructions, shall be allowed, held good, valid and available; any thing in the said Act of Assembly to the contrary, or seeming to the contrary, thereto in any wise notwithstanding.

No. 17. Expired.

An Act for raising a Publick Revenue for the better Support of the Government of her Majesty's Colony and Dominion of Virginia.

At a General Assembly begun at her Majesty Queen *Anne*'s Royal Capitol the 25th Day of *October*, in the 9th Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great Britain, France*, and *Ireland*, *Annoque Domini*, 1710. And thence Continued by several Prorogations to the 7th Day of *November*, 1711, and in the 10th Year of her Majesty's Reign.

An Act for Building a Prison for Debtors to be committed by the General Court. No 1.

A.D. 1711.

WHEREAS it is found very inconvenient, that when Defendants are brought in Custody from several remote and distinct Parts of this Colony to the General Court, by Writs issued out of the Office of the said Court, for want of Bail for their Appearance, and at the Return of such Writs, or appearing, cannot give Special Bail to such Actions, on which they are arrested, or after Judgment obtained against them in Custody, on which they ought immediately to be in Execution, there is at present no Prison or Place to which such Defendants can properly be committed; Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same, That, as soon as conveniently may be, after the Passing of this Act, One Lot, or Half-Acre of Land, lying in the City of *Williamsburgh*, and in the County of *York*, as near as may be to the Place where the Colony Goal for Criminals now stands, be set apart and appropriated for a Place whereon a Prison shall be built; and that, so soon as conveniently may be, after the Time aforesaid, there shall be made and erected on the said Lot a good and substantial Building of Brick, well and sufficiently strengthned and secured with Timber and Plank, Iron-work, and other Materials, so as to make the said Building strong and sufficient for the safe keeping of Prisoners, out of the Moneys which shall be levied and raised by an Act of Assembly of this Colony, Intituled, *An Act for laying a Duty on Liquors and Slaves*, after the Moneys already appropriated out of the said Duty are levied and paid.

AND

A.D. 1711. AND be it further Enacted by the Authority aforesaid, That the Honourable the Lieutenant Governor, or the Governor or Commander in chief of this Colony and Dominion for the Time being, is impowered and desired to contract and agree with any Person or Persons for the Erecting, Building, and Finishing the Prison aforesaid, and to issue his Warrant upon the Treasurer of this Dominion for the Time being, for any Sum or Sums of Money which may be wanted for the Building and Finishing the said Prison, out of the Moneys which shall be raised for the said Use, not exceeding Two hundred Pounds.

AND be it further Enacted by the Authority aforesaid, That the said Prison, so erected and built, shall from thenceforth be called, The General Court Prison for Debtors; of which said Prison the Judges of the General Court, or the greater Part of them, are hereby authorized and impowered to lay out and appoint Rules.

AND be it further Enacted, That the Sheriff of the County of *York* for the Time being shall be, and is hereby appointed to be Keeper of the said Prison, and shall constantly attend the said Court, and is hereby impowered and required to receive and take into his Custody all and every Person and Persons, which shall by the said Court be committed to him on Mean Process, or in Execution, in any Civil Cause or Action, or for any Contempt of the said Court, and such Person and Persons in the said Prison to detain and keep, until he, she, and they shall be thence lawfully discharged; and to take and receive of all such Prisoner and Prisoners, so committed to his Custody, such Fee and Fees, as are settled and allowable by Law.

AND be it further Enacted by the Authority aforesaid, That there shall be satisfied and paid to the said Sheriff of *York* County, for his Care and Pains in keeping the said Prison, and looking after the Prisoners committed to his Custody, and for his Attendance on the General Court, such Allowances, Disbursements, and Accounts, as shall be thought reasonable by the General Assembly of this Dominion.

AND be it further Enacted by the Authority aforesaid, That if any Prisoner, who shall be committed to the Custody of the said Sheriff, as Keeper of the said General Court Prison for Debtors, shall be so indigent and poor, that he or she be not of Ability to maintain and subsist him or her self in the said Prison, then and in such Case there shall be allowed and paid to such Sheriff, as Keeper of the said Prison, for the Relief and Subsistence of such poor Prisoner, the Sum of Six Pence by the Day for every Day such Prisoner shall remain and be in his Custody; to be levied and paid by the General Assembly of this Dominion.

PROVIDED always, That no Fee, or Security for a Fee, shall be paid or given by such poor Prisoner to such Sheriff, as Keeper of the said Prison, on any Account or Pretence whatsoever; nor shall it be lawful for such Sheriff, as Keeper of the said Prison, or his Under-Sheriff, or any Person whatsoever, to detain or keep in his Custody such poor Prisoner, for not having paid his or her Fees due, or pretended to be due, to him by reason of his being Keeper of the said Prison.

AND for the more easie and speedy obtaining of Judgment against any Person or Persons, who shall be a Prisoner or Prisoners in the aforesaid Prison of the General Court for Debtors, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, who hath, or shall have any Cause of Action against any Prisoner or Prisoners, who shall be committed to the said Prison after Entring an Action, and Filing or Entring a Declaration in such Action with the Clerk of the General Court, and delivering a Copy of such Declaration to any such Defendant or Defendants in any Personal Action or Actions at least One Month before the Day of the General Court, to which the said Action is entred, and Affidavit made of

such Delivery of such Copy of such Declaration before one of the Judges of the said Court, unless such Defendant or Defendants shall enter, or cause to be entred, a Plea to such Declaration with the aforesaid Clerk of the General Court, at least Three Days before the Day of the Court, to which the said Action shall be entred, to obtain Judgment in such Action against such Defendant or Defendants; any Law, Statute, Act of Assembly, Usage or Custom to the contrary thereof in any wise notwithstanding. A.D. 1711.

An Act directing the Manner of granting Probates of Wills, and Administration of Intestates Estates. N° 2.

BE it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the County Courts, and every of them, within their respective Counties, have, and shall have lawful Jurisdiction and Authority to hear and determine all Causes, Matters, Suits and Controversies Testamentary, which shall be brought before them; and that they have, and shall have Power to examine and take the Proof of Wills, and to grant Certificates to the Governor or Commander in chief of this Colony and Dominion for the Time being, or to his Deputy or Deputies appointed for that Purpose, being a Member or Members of the said Courts respectively, of the Proof of all such Wills, in order to obtain Probates thereupon, or Administration *cum testamento annexo*, as the Case shall require; and to hear and determine the Right of Administration of the Estate of Persons dying Intestate, in Manner, and according to the several Methods, Rules, Orders and Directions hereafter expressed and set down; that is to say, If any Person, having a Mansion-house, or other Place of known Residence and Abode, within this Dominion, shall depart this Life, and shall have disposed of his or her Estate, or any Part thereof, by Will, such Will shall be proved in the Court of that County, where such Mansion-house, or Place of Residence or Abode shall have been. And if such Person shall not have had any Mansion-house, or Place of Residence or Abode, as aforesaid, and shall have devised any Lands by his Will in Writing to any Person or Persons, then such Will shall be proved in the Court of that County wherein such Lands shall lie. And if such Person shall by such Will have devised Lands lying in several Counties, and shall die in any one of those Counties, then the Will shall be proved in the Court of that County wherein he or she shall happen to die. And if such Person devising Lands, as aforesaid, shall die in another County, than where any of his or her said Lands shall lie, then the Proof of such Will shall be made in the Court of some one of the Counties, where such Lands shall lie, and not in any other County. And the Proof of any Will, once well and sufficiently made in any County, as is above directed, shall be, and is hereby declared to be, of the same Force, Effect and Validity, for the disposing of Lands or any other Estate, as if the same had been proved in every particular County, where any Land or other Estate shall be. And if any Person shall depart this Life, having first made a Will, and the Executor or Executors therein named shall all of them refuse the Executorship, in such Case the same County Court, wherein the Will should or ought to have been proved, if the Executor or Executors had accepted and taken upon him, her, or themselves to discharge the Trust, shall have Power and Authority to hear and determine to whom the Right of Administration ought to belong, and to grant Certificate for obtaining Letters of Administra-

A.D. 1711. tion *cum testamento annexo*. And if at any Time hereafter the Will in Writing of any Person deceased, wherein Lands shall be devised, shall be exhibited in any of the said County Courts, and Motion shall be made that such Will may be proved, then the Court so legally moved, according to this Act, shall appoint a Time for proving the said Will, and shall cause the next Heir at Law to the Testator to be summoned to appear, and be present at the Time of such Proof, and to shew forth any thing that shall or may be lawfully alledged against such Proof. And if there shall be divers Heirs at Law in equal Degree to the Testator, then every One of them shall be summoned, as aforesaid. And if no such Heirs be known either to the Court or the Party desiring such Proof, who shall declare the same upon Oath (which Oath the Court is hereby impowered and required to administer) then Proclamation shall be made by the Sheriff of the County, at the Court-house at Two Courts successively; and he shall also set up Notes at every Church and Chapel in his County, of such Will being exhibited, and desired to be proved, as aforesaid; and that the said Proof will be proceeded to and completed at the next Court, which shall be held for the said County, after the Expiration of Forty Days from the making the last Proclamation.

Provided always, That all Persons, who, at the Time of proving any Will at Common Law, as aforesaid, where they may be concerned in Interest, shall be under the Age of One and twenty Years, Feme-Covert, *Non compos mentis*, Imprisoned, or out of the Country, shall have Liberty to contest the said Proof, at any Time within Ten Years after their several Disabilities and Incapacities shall be removed, and at no Time after the said Ten Years.

And be it further Enacted, That if any Person, having a Mansion-house, or other Place of known Residence or Abode, within this Dominion, shall die Intestate, in such Case the Court of that County, wherein such Mansion-house or Place of Residence shall be, and not any other County Court, shall have full Power and Authority to hear and determine the Right of Administration upon the Estate of such Intestate, and to grant Certificate for obtaining Letters of Administration thereon, in Manner aforesaid. And if such Person, dying Intestate, shall not have had any Mansion-house, or Place of Residence or Abode, as aforesaid, then Certificate for obtaining an Administration upon his or her Estate, shall be granted by the Court of that County, wherein such Person shall have died, and not in any other County. And if it shall so happen, that any Executor shall die Intestate, not having fully performed his Executorship, or any Administrator shall depart this Life, not having fully administred the Goods of the Intestate, in every such Case it shall and may be lawful for the Court, that granted the Certificate for obtaining such Probate or Commission of Administration, to hear and determine the Right of Administration, and to grant Certificate for obtaining Letters of Administration, of the Goods not administred, to such Person, as by this Act shall have Right thereto.

And be it further Enacted, That a Probate of any Will, or a Commission of Administration, granted and issued upon a Certificate from any County Court within this Dominion, pursuant to, and in manner prescribed by this Act, shall impower and enable the Executor and Executors, Administrator and Administrators, therein named and appointed, and every of them, to sue for, recover and receive, by all lawful Ways and Means whatsoever, all and singular the Goods and Chattels, Real and Personal, and all and every the Estate and Estates of their, and every of their Testator or Testators, Intestate or Intestates, in like Manner as they might or could do within the several Counties where such Certificate for obtaining Probates, or Commissions of Administration, shall be granted respectively.

And

A.D. 1711.

And be it further Enacted, That where any Person shall die Intestate, or where the Executor or Executors, and every of them, shall refuse to execute the Will of the Deceased, in such Case the County Court, as aforesaid, shall have full Power and Authority to hear and determine the Right of Administration, and accordingly to grant Certificate for obtaining Commission of Administration upon the Estate of such Intestate, or Administration *cum testamento annexo* upon the Estate of such Testator, whose Executors shall refuse, as aforesaid, in Manner following; that is to say, First to the Husband or Wife of the Deceased, if any be; and if none such, then secondly to the Child or Children, or their legal Representatives, if any be; and if none such, then thirdly to the Parents Father and Mother, if any be; and if none such, then fourthly to the Brothers and Sisters, if any be; and if none such, then fifthly to the next of Kin, as Uncles or Aunts; and in case they fail, to any others of more remote Degree.

And be it further Enacted, That if upon the Death of any Person there shall not any Will be exhibited to be proved, or some Motion made for the legal Proceedings, in order to obtain a Certificate for a Commission of Administration to be granted to any of the Kindred of the Deceased, before or at the next Court which shall be held after the Expiration of Thirty Days from the Party's Decease in such County, where such Certificate ought by this Act to be granted, then it shall and may be lawful, to and for the said Court, to grant a Certificate for obtaining Administration of the Estate of such Deceased to any other Person, as the said Court in their Discretion shall think fit.

Provided always, That if any Will shall afterwards be exhibited, and a Probate thereupon be desired, or if any of the Deceased's Kindred (not having before refused) shall appear and pray Administration upon his or her Estate, in such case Certificate for obtaining a Probate of the Will, or an Administration of the Estate, shall be granted to such Person or Persons, as shall lawfully desire the same, in like Manner as if any other Administration had never been granted.

Provided also, That nothing herein before-mentioned shall be construed to disable any Court from Summoning any Person or Persons whatsoever, having the Will of a Person deceased in his, her, or their Custody or Possession, to exhibit the same to the Court, in order to a legal Probation thereof, but that any Person or Persons may be compelled, by Summons, or other lawful Process, as the Court shall think fit, to produce such Will, being in his, her, or their Possession, for the just and legal Proceedings to be had thereupon; any thing herein, or in any other Act, or any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

And all Probates, Commissions of Administration, and of Administration *cum testamento annexo*, as the several Cases shall require, issued upon Certificate granted according to this Act, signed by the Governor or Commander in chief of this Colony for the Time being, and sealed with the Seal of the Colony, or signed by such other Person or Persons, being One or more of the Magistrates in Commission of the Peace, and authorized by Commission for granting Probates from the Governor or Commander in chief of this her Majesty's Colony and Dominion for the Time being, and sealed with the Seal of the Court where the same shall be granted (which Seal the Court is hereby impowered and required, at the Charge of the County, to provide) shall be, and are hereby Enacted and Declared to be, to all Intents and Purposes, good and effectual in Law, to impower and enable the Executors and Administrators therein named, to possess themselves of the Estates of their Testators or Intestates, and to act and do all other Matters and Things by Virtue thereof, as any Executor or Administrator may or might lawfully do by any Ways or Means whatsoever.

A.D. 1710. acted and Declared by the Lieutenant Governor, Council, and Burgesses of this General Assembly, and by the Authority of the same, That nothing in the said Act contained shall be construed, deemed or taken to derogate from, lessen or abridge the Royal Power, Prerogative and Authority of her Majesty, her Heirs and Successors, of granting Commission or Commissions of *Oyer* and *Terminer*, or of Constituting and Erecting such other Court or Courts of Record, as her Majesty, her Heirs or Successors, by her or their Commission or Commissions, Instruction or Instructions, to her or their Governor or Commander in chief of this Colony and Dominion for the Time being, shall direct, order or appoint.

AND be it further Enacted, That nothing in the said Act contained shall be construed, deemed or taken to derogate from, lessen or abridge the Royal Power, Prerogative and Authority of her Majesty Queen *Anne*, her Heirs and Successors, of receiving, hearing and determining any Cause or Causes, which shall or may be brought before her Majesty, her Heirs or Successors, by Appeal from the Judgment, Decree or Sentence of the said General Court, or to debar or hinder any Person whatsoever from demanding and obtaining an Appeal from any Judgment, Decree or Sentence of the said General Court, which shall or may be given or made against him to her Majesty, her Heirs and Successors, in such Cases where the same are, or at any Time hereafter shall or may be allowable by the Order or Instruction of her Majesty, her Heirs or Successors, to her or their Governor or Commander in chief of this Colony and Dominion for the Time being; and that all such Appeals, Commissions, and Instructions, shall be allowed, held good, valid and available; any thing in the said Act of Assembly to the contrary, or seeming to the contrary, thereto in any wise notwithstanding.

No 17.
Expired.

An Act for raising a Publick Revenue for the better Support of the Government of her Majesty's Colony and Dominion of Virginia.

At

At a General Assembly begun at her Majesty Queen *Anne's* Royal Capitol the 25th Day of *October*, in the 9th Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great Britain, France,* and *Ireland, Annoque Domini,* 1710. And thence Continued by several Prorogations to the 7th Day of *November*, 1711, and in the 10th Year of her Majesty's Reign.

An Act for Building a Prison for Debtors to be committed by the General Court. N° 1.

WHEREAS it is found very inconvenient, that when Defendants are brought in Custody from several remote and distinct Parts of this Colony to the General Court, by Writs issued out of the Office of the said Court, for want of Bail for their Appearance, and at the Return of such Writs, or appearing, cannot give Special Bail to such Actions, on which they are arrested, or after Judgment obtained against them in Custody, on which they ought immediately to be in Execution, there is at present no Prison or Place to which such Defendants can properly be committed; Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same, That, as soon as conveniently may be, after the Passing of this Act, One Lot, or Half-Acre of Land, lying in the City of *Williamsburgh*, and in the County of *York*, as near as may be to the Place where the Colony Goal for Criminals now stands, be set apart and appropriated for a Place whereon a Prison shall be built; and that, so soon as conveniently may be, after the Time aforesaid, there shall be made and erected on the said Lot a good and substantial Building of Brick, well and sufficiently strengthned and secured with Timber and Plank, Iron-work, and other Materials, so as to make the said Building strong and sufficient for the safe keeping of Prisoners, out of the Moneys which shall be levied and raised by an Act of Assembly of this Colony, Intituled, *An Act for laying a Duty on Liquors and Slaves*, after the Moneys already appropriated out of the said Duty are levied and paid. *A.D.* 1711.

AND

B

A.D. 1711.

And be it further Enacted by the Authority aforesaid, That the Honourable the Lieutenant Governor, or the Governor or Commander in chief of this Colony and Dominion for the Time being, is impowered and desired to contract and agree with any Person or Persons for the Erecting, Building, and Finishing the Prison aforesaid, and to issue his Warrant upon the Treasurer of this Dominion for the Time being, for any Sum or Sums of Money which may be wanted for the Building and Finishing the said Prison, out of the Moneys which shall be raised for the said Use, not exceeding Two hundred Pounds.

And be it further Enacted by the Authority aforesaid, That the said Prison, so erected and built, shall from thenceforth be called, The General Court Prison for Debtors; of which said Prison the Judges of the General Court, or the greater Part of them, are hereby authorized and impowered to lay out and appoint Rules.

And be it further Enacted, That the Sheriff of the County of *York* for the Time being shall be, and is hereby appointed to be Keeper of the said Prison, and shall constantly attend the said Court, and is hereby impowered and required to receive and take into his Custody all and every Person and Persons, which shall by the said Court be committed to him on Mean Process, or in Execution, in any Civil Cause or Action, or for any Contempt of the said Court, and such Person and Persons in the said Prison to detain and keep, until he, she, and they shall be thence lawfully discharged; and to take and receive of all such Prisoner and Prisoners, so committed to his Custody, such Fee and Fees, as are settled and allowable by Law.

And be it further Enacted by the Authority aforesaid, That there shall be satisfied and paid to the said Sheriff of *York* County, for his Care and Pains in keeping the said Prison, and looking after the Prisoners committed to his Custody, and for his Attendance on the General Court, such Allowances, Disbursements, and Accounts, as shall be thought reasonable by the General Assembly of this Dominion.

And be it further Enacted by the Authority aforesaid, That if any Prisoner, who shall be committed to the Custody of the said Sheriff, as Keeper of the said General Court Prison for Debtors, shall be so indigent and poor, that he or she be not of Ability to maintain and subsist him or her self in the said Prison, then and in such Case there shall be allowed and paid to such Sheriff, as Keeper of the said Prison, for the Relief and Subsistence of such poor Prisoner, the Sum of Six Pence by the Day for every Day such Prisoner shall remain and be in his Custody; to be levied and paid by the General Assembly of this Dominion.

Provided always, That no Fee, or Security for a Fee, shall be paid or given by such poor Prisoner to such Sheriff, as Keeper of the said Prison, on any Account or Pretence whatsoever; nor shall it be lawful for such Sheriff, as Keeper of the said Prison, or his Under-Sheriff, or any Person whatsoever, to detain or keep in his Custody such poor Prisoner, for not having paid his or her Fees due, or pretended to be due, to him by reason of his being Keeper of the said Prison.

And for the more easie and speedy obtaining of Judgment against any Person or Persons, who shall be a Prisoner or Prisoners in the aforesaid Prison of the General Court for Debtors, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, who hath, or shall have any Cause of Action against any Prisoner or Prisoners, who shall be committed to the said Prison after Entring an Action, and Filing or Entring a Declaration in such Action with the Clerk of the General Court, and delivering a Copy of such Declaration to any such Defendant or Defendants in any Personal Action or Actions at least One Month before the Day of the General Court, to which the said Action is entred, and Affidavit made of

such Delivery of such Copy of such Declaration before one of the Judges of the said Court, unless such Defendant or Defendants shall enter, or cause to be entred, a Plea to such Declaration with the aforesaid Clerk of the General Court, at least Three Days before the Day of the Court, to which the said Action shall be entred, to obtain Judgment in such Action against such Defendant or Defendants; any Law, Statute, Act of Assembly, Usage or Custom to the contrary thereof in any wise notwithstanding. A.D. 1711.

An Act directing the Manner of granting Probates of Wills, and Administration of Intestates Estates. N° 2.

BE it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the County Courts, and every of them, within their respective Counties, have, and shall have lawful Jurisdiction and Authority to hear and determine all Causes, Matters, Suits and Controversies Testamentary, which shall be brought before them; and that they have, and shall have Power to examine and take the Proof of Wills, and to grant Certificates to the Governor or Commander in chief of this Colony and Dominion for the Time being, or to his Deputy or Deputies appointed for that Purpose, being a Member or Members of the said Courts respectively, of the Proof of all such Wills, in order to obtain Probates thereupon, or Administration *cum testamento annexo*, as the Case shall require; and to hear and determine the Right of Administration of the Estate of Persons dying Intestate, in Manner, and according to the several Methods, Rules, Orders and Directions hereafter expressed and set down; that is to say, If any Person, having a Mansion-house, or other Place of known Residence and Abode, within this Dominion, shall depart this Life, and shall have disposed of his or her Estate, or any Part thereof, by Will, such Will shall be proved in the Court of that County, where such Mansion-house, or Place of Residence or Abode shall have been. And if such Person shall not have had any Mansion-house, or Place of Residence or Abode, as aforesaid, and shall have devised any Lands by his Will in Writing to any Person or Persons, then such Will shall be proved in the Court of that County wherein such Lands shall lie. And if such Person shall by such Will have devised Lands lying in several Counties, and shall die in any one of those Counties, then the Will shall be proved in the Court of that County wherein he or she shall happen to die. And if such Person devising Lands, as aforesaid, shall die in another County, than where any of his or her said Lands shall lie, then the Proof of such Will shall be made in the Court of some one of the Counties, where such Lands shall lie, and not in any other County. And the Proof of any Will, once well and sufficiently made in any County, as is above directed, shall be, and is hereby declared to be, of the same Force, Effect and Validity, for the disposing of Lands or any other Estate, as if the same had been proved in every particular County, where any Land or other Estate shall be. And if any Person shall depart this Life, having first made a Will, and the Executor or Executors therein named shall all of them refuse the Executorship, in such Case the same County Court, wherein the Will should or ought to have been proved, if the Executor or Executors had accepted and taken upon him, her, or themselves to discharge the Trust, shall have Power and Authority to hear and determine to whom the Right of Administration ought to belong, and to grant Certificate for obtaining Letters of Administra-

A.D. 1711. tion *cum testamento annexo*. And if at any Time hereafter the Will in Writing of any Person deceased, wherein Lands shall be devised, shall be exhibited in any of the said County Courts, and Motion shall be made that such Will may be proved, then the Court so legally moved, according to this Act, shall appoint a Time for proving the said Will, and shall cause the next Heir at Law to the Testator to be summoned to appear, and be present at the Time of such Proof, and to shew forth any thing that shall or may be lawfully alledged against such Proof. And if there shall be divers Heirs at Law in equal Degree to the Testator, then every One of them shall be summoned, as aforesaid. And if no such Heirs be known either to the Court or the Party desiring such Proof, who shall declare the same upon Oath (which Oath the Court is hereby impowered and required to administer) then Proclamation shall be made by the Sheriff of the County, at the Court-house at Two Courts successively; and he shall also set up Notes at every Church and Chapel in his County, of such Will being exhibited, and desired to be proved, as aforesaid; and that the said Proof will be proceeded to and completed at the next Court, which shall be held for the said County, after the Expiration of Forty Days from the making the last Proclamation.

Provided always, That all Persons, who, at the Time of proving any Will at Common Law, as aforesaid, where they may be concerned in Interest, shall be under the Age of One and twenty Years, Feme-Covert, *Non compos mentis*, Imprisoned, or out of the Country, shall have Liberty to contest the said Proof, at any Time within Ten Years after their several Disabilities and Incapacities shall be removed, and at no Time after the said Ten Years.

And be it further Enacted, That if any Person, having a Mansion-house, or other Place of known Residence or Abode, within this Dominion, shall die Intestate, in such Case the Court of that County, wherein such Mansion-house or Place of Residence shall be, and not any other County Court, shall have full Power and Authority to hear and determine the Right of Administration upon the Estate of such Intestate, and to grant Certificate for obtaining Letters of Administration thereon, in Manner aforesaid. And if such Person, dying Intestate, shall not have had any Mansion-house, or Place of Residence or Abode, as aforesaid, then Certificate for obtaining an Administration upon his or her Estate, shall be granted by the Court of that County, wherein such Person shall have died, and not in any other County. And if it shall so happen, that any Executor shall die Intestate, not having fully performed his Executorship, or any Administrator shall depart this Life, not having fully administred the Goods of the Intestate, in every such Case it shall and may be lawful for the Court, that granted the Certificate for obtaining such Probate or Commission of Administration, to hear and determine the Right of Administration, and to grant Certificate for obtaining Letters of Administration, of the Goods not administred, to such Person, as by this Act shall have Right thereto.

And be it further Enacted, That a Probate of any Will, or a Commission of Administration, granted and issued upon a Certificate from any County Court within this Dominion, pursuant to, and in manner prescribed by this Act, shall impower and enable the Executor and Executors, Administrator and Administrators, therein named and appointed, and every of them, to sue for, recover and receive, by all lawful Ways and Means whatsoever, all and singular the Goods and Chattels, Real and Personal, and all and every the Estate and Estates of their, and every of their Testator or Testators, Intestate or Intestates, in like Manner as they might or could do within the several Counties where such Certificate for obtaining Probates, or Commissions of Administration, shall be granted respectively.

And

AND be it further Enacted, That where any Person shall die Intestate, or where the Executor or Executors, and every of them, shall refuse to execute the Will of the Deceased, in such Case the County Court, as aforesaid, shall have full Power and Authority to hear and determine the Right of Administration, and accordingly to grant Certificate for obtaining Commission of Administration upon the Estate of such Intestate, or Administration *cum testamento annexo* upon the Estate of such Testator, whose Executors shall refuse, as aforesaid, in Manner following; that is to say, First to the Husband or Wife of the Deceased, if any be; and if none such, then secondly to the Child or Children, or their legal Representatives, if any be; and if none such, then thirdly to the Parents Father and Mother, if any be; and if none such, then fourthly to the Brothers and Sisters, if any be; and if none such, then fifthly to the next of Kin, as Uncles or Aunts; and in case they fail, to any others of more remote Degree. A.D. 1711.

AND be it further Enacted, That if upon the Death of any Person there shall not any Will be exhibited to be proved, or some Motion made for the legal Proceedings, in order to obtain a Certificate for a Commission of Administration to be granted to any of the Kindred of the Deceased, before or at the next Court which shall be held after the Expiration of Thirty Days from the Party's Decease in such County, where such Certificate ought by this Act to be granted, then it shall and may be lawful, to and for the said Court, to grant a Certificate for obtaining Administration of the Estate of such Deceased to any other Person, as the said Court in their Discretion shall think fit.

PROVIDED always, That if any Will shall afterwards be exhibited, and a Probate thereupon be desired, or if any of the Deceased's Kindred (not having before refused) shall appear and pray Administration upon his or her Estate, in such case Certificate for obtaining a Probate of the Will, or an Administration of the Estate, shall be granted to such Person or Persons, as shall lawfully desire the same, in like Manner as if any other Administration had never been granted.

PROVIDED also, That nothing herein before-mentioned shall be construed to disable any Court from Summoning any Person or Persons whatsoever, having the Will of a Person deceased in his, her, or their Custody or Possession, to exhibit the same to the Court, in order to a legal Probation thereof, but that any Person or Persons may be compelled, by Summons, or other lawful Process, as the Court shall think fit, to produce such Will, being in his, her, or their Possession, for the just and legal Proceedings to be had thereupon; any thing herein, or in any other Act, or any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

AND all Probates, Commissions of Administration, and of Administration *cum testamento annexo*, as the several Cases shall require, issued upon Certificate granted according to this Act, signed by the Governor or Commander in chief of this Colony for the Time being, and sealed with the Seal of the Colony, or signed by such other Person or Persons, being One or more of the Magistrates in Commission of the Peace, and authorized by Commission for granting Probates from the Governor or Commander in chief of this her Majesty's Colony and Dominion for the Time being, and sealed with the Seal of the Court where the same shall be granted (which Seal the Court is hereby impowered and required, at the Charge of the County, to provide) shall be, and are hereby Enacted and Declared to be, to all Intents and Purposes, good and effectual in Law, to impower and enable the Executors and Administrators therein named, to possess themselves of the Estates of their Testators or Intestates, and to act and do all other Matters and Things by Virtue thereof, as any Executor or Administrator may or might lawfully do by any Ways or Means whatsoever.

A.D. 1711. And be it further Enacted, That before any Person or Persons shall obtain a Probate of any Will, or a Commission of Administration of any Estate shall be granted to any Person or Persons, so as such Administrator or Administrators shall be thereby legally qualified to act, the said Executors or Administrators, and every of them respectively, as the Case shall require, shall take the following Oaths, to wit;

The Oath of an Executor.

YOU *shall Swear, That this Writing contains the true Last Will of the within named* A. B. *deceased, as far as you know or believe; and that you will well and truly perform the same, by paying first his Debts, and then the Legacies contained in the said Will, as far as his Goods, Chattels and Credits will thereunto extend, and the Law charge you; and that you will make a true and perfect Inventory of all the said Goods, Chattels and Credits:*

So help you God.

The Oath of an Administrator.

YOU *shall Swear, That* A. B. *deceased died without any Will, as far as you know or believe; and that you will well and truly administer all and singular the Goods, Chattels and Credits of the said Deceased, and pay his Debts, as far as his Goods, Chattels and Credits will thereunto extend, and the Law require you; and that you will make a true and perfect Inventory of all the said Goods, Chattels and Credits, as also a just Account, when thereunto required:*

So help you God.

And for the better securing the Estates of Persons deceased, or which shall hereafter depart this Life, Be it Enacted, That where the Court shall have Ground to suspect, either from their own Knowledge, or the Suggestions of the Creditors or Legatees of any Person deceased, that the Executor or Executors of the Testator will indirectly or fraudulently administer the Estate to the Prejudice of the Creditors or Legatees therein concerned, as also wherein any Administrations are to be obtained, as aforesaid, there shall not be granted to any such Executor or Executors, so suspected, a Certificate for obtaining the Probate of any Will, or a Commission of Administration of any Estate, to any Person or Persons whatsoever, until such Executor or Executors, Person or Persons, shall have given such sufficient Security, either of the Inhabitants of that County, or any other, as the Court shall approve (Respect being had to the Value of the Estate) for his, her, or their faithful and true Administration of such Estates; which Security shall be bound to the Justices of the Court, and to their Successors, in a Bond, with one of the following Conditions, to wit;

The Condition of the Bond to be given by Executors and Administrators, with the Will annexed.

THE *Condition of this Obligation is such, That if the above bound* A. B. *Executor of the Last Will and Testament of* C. D. *deceased, or Administrator, with the Will annexed, of all the Goods, Chattels and Credits of* C. D. *deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceased, which have or shall come to the Hands, Possession or Knowledge of him the said* A. B. *or into the Hands and Possession of any other Person or Persons for him, and the same so made, do exhibit, or cause to be exhibited, into the County Court of* N. *at such Time as he shall*

shall be thereto required by the said Court, and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits of the said Deceased, at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said A. B. *or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law; and further, do make a true and just Account of his Actings and Doings therein, when thereto required by the said Court; and also do well and truly pay and deliver all the Legacies contained and specified in the said Testament, as far as the said Goods, Chattels and Credits will thereunto extend, according to the Value thereof, and the Law shall charge him, then this Obligation to be Void, and of none Effect, otherwise to remain in full Force and Virtue.* A. D. 1711.

The Condition of the Bond to be given by Administrators.

THE *Condition of this Obligation is such, That if the above bound* A. B. *Administrator of all the Goods, Chattels and Credits of* C. D. *deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceased, which have or shall come to the Hands, Possession or Knowledge of him the said* A. B. *or into the Hands or Possession of any other Person or Persons for him, and the same so made, do exhibit, or cause to be exhibited, into the County Court of* N. *at such Time as he shall be thereto required by the said Court, and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits of the said Deceased, at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said* A. B. *or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law; and further, do make a just and true Account of his Actings and Doings therein, when thereto required by the said Court: And all the Rest and Residue of the said Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed by the Justices of the Court for the Time being, shall deliver and pay unto such Person or Persons respectively, as the said Justices by their Order or Judgment shall direct, pursuant to the Laws in that Case made and provided. And if it shall hereafter appear, that any Last Will and Testament was made by the said Deceased, and the Executor or Executors therein named do exhibit the same in the said Court, making Request to have it allowed and approved accordingly, if the said* A. B. *being thereunto required, do render and deliver up his Letters of Administration, Approbation of such Testament being first had and made in the said Court; then this Obligation to be Void, and of none Effect, otherwise to remain in full Force and Virtue.*

AND it is hereby Enacted and Declared, That the said Bonds shall be good and valid, to all Intents and Purposes therein mentioned; and that in the Name of the Justices, to whom such Bond shall be made payable, and of their Successors, the same may and shall be prosecuted against the Parties therein bound, and every of them, at the Costs and Charges in the Law of the Party injured: And that the said Bonds, or any of them, shall not become void upon the first Recovery had upon them; but if any Person shall thereafter find him or her self aggrieved by the Misbehaviour of the Executor or Executors, Administrator or Administrators, therein named, then he or she so aggrieved may commence Suit, as aforesaid, upon such Bond, and shall recover as if no Process had theretofore issued upon such Bond; and so Process upon such Bonds may issue, and Judgment thereupon shall be given *toties quoties*, until the Will of the Testator therein mentioned be fulfilled (as far as lies in the Executors to fulfil the same) or the Administration of the Estate therein mentioned be justly and truly performed and completed, or else that One or more Judgment or Judgments shall be given for the full Sum expressed for the Penalty in the

A.D. 1711. ſaid Bond; which ſaid Bond may be put in Suit in the County Court, before which the ſame was entred into; any Law, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding.

And if any Perſon or Perſons, nominated and appointed to be the Executor or Executors of any Perſon deceaſed, ſhall make legal Proof of ſuch deceaſed Perſon's Laſt Will and Teſtament, and upon the Court's ſuſpecting ſuch Executor or Executors of indirect or fraudulent Adminiſtration and Management of the Teſtator's Eſtate, either for Reaſons ſuggeſted to them by the Creditors or Legatees therein concerned, or upon their Knowledge; and thereupon the ſaid Executor or Executors, being ordered by the Court to give Security, and failing either at the Time of ſuch Proof made, or within Two Months thereafter, to give ſuch Bond and Security, as is before directed, for his, her, or their true and faithful Adminiſtration of the Eſtate of ſuch Perſon deceaſed, according to his or her Will, ſuch Failure ſhall be conſtrued, deemed and taken in Law to be a Refuſal to accept the Executorſhip, and Adminiſtration *cum teſtamento annexo* ſhall or may be granted in the Manner herein before directed to ſuch next of Kin to the Deceaſed, as ſhould otherwiſe have Adminiſtration, in caſe no ſuch Will had been made; any Law, Cuſtom or Uſage to the Contrary hereof in any wiſe notwithſtanding,

And that the Value of all Decedents Eſtates may be the better known, and an Account thereof the more juſtly kept, every Perſon or Perſons, being appointed Executor or Executors, Adminiſtrator or Adminiſtrators of any, or Part of any Eſtate whatſoever, and having a Certificate for obtaining a Probate or Commiſſion of Adminiſtration, granted unto him, her, or them for the ſame, ſhall, at the next Court after the obtaining of ſuch Certificate, upon his, her, or their Corporal Oath, exhibit a true and perfect Inventory, as far as in them lies, of all and every Part of the Eſtate, whereof the Executorſhip or Adminiſtration ſhall be to him, her, or them committed; and if it ſo happen, that ſuch a full and perfect Inventory, as is directed, cannot be made in the Time hereby mentioned, upon reaſonable Cauſe to them ſhewn, the Court may allow ſuch further Time for exhibiting ſuch Inventory, as to them ſhall ſeem neceſſary. And the Courts ſhall cauſe Appraiſements of all Decedents Eſtates to be made in Money, as ſoon as poſſible, by at leaſt Three good and lawful Men upon Oath, and in the ſame Order, whereby the Court ſhall order ſuch Appraiſement; they ſhall alſo appoint the Appraiſers, and nominate One or more of the Juſtices of their County, to adminiſter an Oath to the ſaid Appraiſers, for their true and juſt valuing the Eſtate, according to the beſt of their Judgment; which Juſtices ſo nominated, or any One of them, ſhall be, and is hereby fully impowered to adminiſter ſuch Oath, and accordingly the ſame ſhall be held and deemed to be lawfully adminiſtred, and to enure and take Effect, as firm and valid in Law, to the Purpoſes mentioned. Every One of which ſaid Appraiſers ſhall be paid Thirty Pounds of Tobacco for every Day he ſhall attend to make ſuch Appraiſement.

And for preventing all Diſputes that may ariſe concerning the Right to Crops upon the Ground, It is hereby Enacted and Declared, That where any Perſon or Perſons ſhall die Inteſtate, whilſt his Crop of *Indian* Corn, Wheat, or other Grain or Tobacco is on the Ground unfiniſhed, or dying Teſtate, ſhall not have otherwiſe directed, all and every Servant and Slave, employed in the ſaid Crop at the Time of ſuch Deceaſe, ſhall be continued on the ſaid Plantations, and employed in the Crop or Crops reſpectively, until the Five and twentieth Day of *December* then next coming; and that then the ſaid Crop ſhall be deemed and taken to be Aſſets in the Executors or Adminiſtrators Hands, to be valued by Appraiſers, to be appointed in the ſame Manner as they ſhall be for the other Part of the deceaſed Perſon's Eſtate; any Law, Cuſtom or Uſage to the contrary notwithſtanding: And the Slaves employed in the ſaid Crop, as aforeſaid, ſhall, after the ſaid Five and twentieth Day of *December*, be delivered

vered to ſuch Perſon or Perſons, to whom the ſame is declared to belong, by an Act of Aſſembly made at a General Aſſembly begun at the Capitol the Twenty third Day of *October*, in the Year One thouſand ſeven hundred and five, Intituled, *An Act declaring the Negro, Mulatto, and* Indian *Slaves within this Dominion to be Real Eſtate.* *A. D.* 1711.

PROVIDED always, and it is the true Intent and Meaning of this Act, That no Executor or Adminiſtrator ſhall be anſwerable for the Price of any Negro, or other Servant or Slave, which ſhall happen to die before the ſaid Twenty fifth Day of *December*, although ſuch Negro, or other Servant or Slave, ſhall be put into the Inventory of the deceaſed Perſon's Eſtate.

PROVIDED always, That if any Perſon ſhall hereafter depart this Life, leaving an Eſtate more than ſufficient to pay all Debts due from the ſame, ſuch Perſon ſhall and may have Liberty to ſettle his or her Eſtate by Will, in ſuch Manner as he or ſhe ſhall think fit; and may alſo direct, that the ſame ſhall not be appraiſed; and every ſuch Will ſhall be held valid, according to the true Intent thereof: And the making a true Inventory of the Eſtate of ſuch Perſon, without proceeding to appraiſe the ſame, ſhall be held a ſufficient Compliance with this Act.

PROVIDED alſo, That if any Perſon or Perſons, already departed this Life, hath, or any Perſon or Perſons, who ſhall hereafter depart this Life, ſhall by Will bequeath his or her Eſtate to his or her Children, and make them, or ſuch of them as are of Age, Executors of ſuch Will, or bequeath his or her Eſtate to the Husband or Wife, or to his Wife and Children, and make them, or either of them, as aforeſaid, Executors; or in caſe there be no Husband or Wife, or Children, ſuch Perſon dying ſhall by Will make any Perſon or Perſons whatſoever his or her Executor and Reſiduary Legatee, or where the Teſtator ſhall by his Will direct, that his Executor or Executors ſhall not be obliged to give Security in all or either of the aforeſaid Caſes, no Security ſhall be demanded of ſuch Executor or Executors, nor of any Perſon or Perſons, who ſhall by any Teſtator be appointed Executor or Executors in Truſt, *Durante minori* Eſtate of his Children, where he ſhall by his Will have made his ſaid Children Executors, and ordered that his Eſtate ſhall be preſerved in Kind, and the Profits thereof to redound to the Benefit of ſuch Children at their coming of Age; any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

AND provided likewiſe, That nothing herein contained ſhall be conſtrued to abridge or reſtrain the Power of Executors over their Teſtators Eſtates, before or until a Probate of the Will, or Commiſſion of Adminiſtration, with the Will annexed, is obtained, as fully and amply as if this Act had never been made.

AND that the Wills of Perſons deceaſed may be the better preſerved, Be it Enacted, That all Original Wills ſhall remain in the Clerk's Office amongſt the Records of the ſeveral reſpective Counties, where they ſhall be proved, whereto any Perſon, whoſe Occaſions ſhall ſo require, may have Recourſe, as to the other Records; Except for the Time it ſhall be removed by Direction of any Superior Court: And that unto every Probate, granted upon Certificate from any Court, there ſhall be annexed a true Copy of the Will, whereupon ſuch Probate ſhall be granted.

PROVIDED always, and it is hereby declared to be the true Intent and Meaning hereof, That in all Caſes Teſtamentary, where the Decedent ſhall have left Eſtate, Real or Perſonal, of the Value of Fifty Pounds Sterling, or upwards, in divers Counties within this Colony, it ſhall and may be lawful for the General Court of this Dominion, upon Motion made to them by the Executor or Executors of ſuch Perſon dying Teſtate, or by the Perſon or Perſons, who hath the Right of Adminiſtration of the Eſtate of any Perſon dying Inteſtate, or whoſe Executors ſhall refuſe to take upon them the Truſt, to take the Proof of Wills, and to hear and determine the Right of Adminiſtration, and

A.D. 1711. and thereupon to grant Certificate for obtaining a Probate or Adminiſtration, or Adminiſtration with the Will annexed, as the Caſe is. And that in all Caſes, where Wills are exhibited to be proved in the General Court, the Court ſhall aſſign a certain Day of the next ſucceeding General Court, for proving the ſame; and ſhall direct Summons to the Heir or Heirs at Law, in the ſame Manner as is directed for the County Courts. And wherever Proclamation is by this Act made requiſite for Summoning any Heir or Heirs, the General Court ſhall cauſe ſuch Proclamation to be publickly affixed in their Court-houſe; and ſhall alſo cauſe Proclamation to be made in the County where the Teſtator died, after the ſame Manner as is directed upon proving the Will in the County Court. That all Probates of Wills and Commiſſions of Adminiſtration, granted upon Certificate obtained in the General Court, ſhall iſſue under the Seal of the Colony, and ſhall be ſigned by the Governor or Commander in chief of this Dominion for the Time being, or by the Preſident of the Council for the Time being, or by ſuch Member or Members of the ſaid Court, as ſhall be commiſſionated for that Purpoſe by the Governor or Preſident reſpectively. And that the Forms of all Oaths and Bonds, required by this Act of Executors or Adminiſtrators for the due Diſcharge of their Truſt, ſhall be the ſame as is directed for the County Courts, *mutatis mutandis*.

PROVIDED always, That where the General Court ſhall grant Certificate for obtaining the Adminiſtration of any Eſtate, and ſhall fail to take ſufficient Security for the ſame, in that Caſe the Members of the ſaid Court, granting ſuch Certificate, and every of them, ſhall be liable to pay ſuch Loſs and Damage, as ſhall accrue by reaſon of ſuch Failure, in the ſame Manner as the Juſtices of the County Court in the like Caſe ſhould have been.

AND foraſmuch as by this Act it is before directed, that all Decedents Eſtates ſhall be appraiſed in Money; and for that it often happens, that ſeveral Debts are contracted in this Colony for certain Quantities of Tobacco, or other Commodities in Specie, which may ſometimes be of greater or leſſer Value than ordinary, which may occaſion Diſputes between Executors or Adminiſtrators, and the Creditors of their Teſtators or Inteſtates, concerning the Payment of ſuch Debts: For Prevention whereof, Be it Enacted by the Authority aforeſaid, That if a Debt, contracted by any Perſon deceaſed in Tobacco, Corn, Wheat, Beef, Pork, or other kind of Commodities, ſhall be recovered by Suit at Law againſt his or her Executor or Executors, Adminiſtrator or Adminiſtrators, and there ſhall not, at the Time of ſuch Recovery, be ſo much of the Commodities ſo contracted for belonging to ſuch Decedent's Eſtate in the Hands of his or her Executor or Executors, Adminiſtrator or Adminiſtrators, or any of them, then, upon the Motion of any ſuch Executor or Adminiſtrator, againſt whom Recovery ſhall be had, as aforeſaid, and Oath made, that there is not a ſufficient Quantity of the Commodities ſo contracted for belonging to the Decedent's Eſtate in the Hands of any of the Executors or Adminiſtrators, to ſatisfie the Debt ſo to be recovered in Specie, the Court, before whom ſuch Motion and Oath ſhall be made, ſhall value the Commodity contracted for, according to the beſt of their Judgment, in Money, and accordingly ſhall give Judgment for the ſame to be paid in Money, and not in Specie, out of the Eſtate of the Perſon deceaſed; any Law, Uſage or Cuſtom, or any Obligation, Contract, or other Matter or Thing whatſoever, to the contrary thereof in any wiſe notwithſtanding.

AND be it further Enacted, That the Clerk of every County ſhall every Half-year, *viz.* in *April* and *October*, return to the Secretary's Office a Liſt of all Certificates for obtaining Probates or Adminiſtrations granted in their reſpective Counties, containing the Names of the Teſtators or Inteſtates, the Executors or Adminiſtrators, and the Names of the Securities; which Liſts the Secretary of this Colony is hereby required to cauſe to be recorded Alphabetically in his Office in Books kept for that Purpoſe.

AND

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made. *A.D.* 1711.

An Act for appointing Rangers.

N° 3. Expired.

An Act to enable Francis Yeates, *of the County of* Richmond, *to convey certain Entailed Lands to* John Tayloe, *Gent. in lieu of other Lands and Negroes of greater Value, to be settled to the same Uses.*

N° 4. Private.

An Act to enable John Custis, *and* Frances *his Wife, to sell a Mill, with certain Lands and Negroes, which are entailed on the said* Frances *by the Last Will and Testament of* Daniel Parke, *Esq; deceas'd, for Payment of the Debts and Legacies of the said* Daniel.

N° 5. Ditto.

At a GENERAL ASSEMBLY begun at her Majesty Queen *Anne's* Royal Capitol the 22[d] Day of *October*, in the 11th Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great Britain*, *France*, and *Ireland*, *Annoq; Domini*, 1712.

An Act for Continuing an Act, Intituled, An Act for Security and Defence of the Country in Times of Danger. No 1. Expired.

An Act to continue an Act, Intituled, An Act for appointing Rangers, and for increasing their Pay. No 2. *Ditto.*

An Act to prevent Land lapsing from Infants, for not Seating and Planting, or not paying Quit-Rents, until Three Years after they come of Age. No 3.

WHEREAS the Provision made in an Act, made at a General Assembly begun at the Capitol the Twenty fifth Day of *October*, in the Ninth Year of the Reign of her Majesty Queen *Anne*, Intituled, *An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon*, hath not sufficiently answered the Damage and Inconveniencies that may happen to Infants under the Age of Twenty one Years, for not seating and planting Lands belonging to such Infants, or for not paying Quit-Rents for such Lands, according to the Directions of the said Act: And to the End the Lands of Infants may be secured to them from being forfeited, for not Seating and Planting, or not paying Quit-Rents, Be it Enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly; and it is hereby Enacted by the Authority of the same, That where any Person *A.D.* 1712.

A.D. 1712. Person shall obtain a Patent for Land, and shall depart this Life within Three Years after the Date of the Patent, without Seating and Planting, or paying the Quit-Rents, according to the Condition and Limitation in his said Patent, and the Right of Inheritance shall descend or come to any Infant under the Age of Twenty one Years, in such Case the Court of the County, in which the Parent or Ancestor of such Infant shall depart this Life, is hereby required to take Security of the Guardian or Guardians of such Infant, duly to answer and pay the yearly Quit-Rents for all the Land that shall descend to such Infant, and yearly to enqui e how the same is performed.

AND for the more effectual obliging the Guardians of all Infants to perform their Trust in the Premisses, Be it Enacted, That where there shall not be sufficient Distress found upon the Land of any Infant to satisfie the Quit-Rents due for the same, it shall and may be lawful, to and for the Sheriff of the County to distrain the Goods and Chattels of such Guardian or Guardians for the Payment of the said Quit-Rents. And if it shall happen, that either through Neglect of the County Courts to take such Bond, or of the Sheriffs to make Distress, in Manner aforesaid, the Quit-Rents for the Lands of Infants shall not be paid, nor any Seating and Planting made thereon, the said Land shall not be forfeited for not Seating and Planting thereon, or for not paying the Quit-Rents for the same, until Three Years after such Infant shall attain to the Age of Twenty one Years. And if such Lands, so descending or coming to such Infant, shall be seated and planted, and the Quit-Rents due for the same from the Date of the Patent shall be paid within Three Years after such Infant shall attain to the Age of Twenty one Years, the Seating and Planting, and Payment of Quit-Rents, made within the Time aforesaid, shall be adjudged, deemed and taken, and is hereby declared to be a good and sufficient Performance of the Condition and Limitation in the said Patent expressed; any Law, Custom or Usage to the contrary in any wise notwithstanding.

PROVIDED always, and it is hereby declared to be the true Intent and Meaning hereof, That if the Inheritance in any Lands not seated and planted, or for which Quit-Rents have not been paid, according to the Condition and Limitation in the Patent, shall descend to any Heir or Heirs Female, and such Heir or Heirs Female shall marry before she or they attain the Age of One and twenty Years, in such Case the Three Years hereby allowed for Seating and Planting, or paying the Quit-Rents, shall be accounted from the Time of such Coverture, and not otherwise; any thing in this Act to the contrary thereof in any wise notwithstanding.

N° 4. Expired, 1716.

An Act for Continuing an Act, Intituled, An Act for laying a Duty on Liquors and Slaves, and for appropriating Money sufficient to furnish Nine hundred Yards of Duffels, and One thousand Pounds, for the Service and Relief of *North-Carolina* out of the said Duty, and for appointing a Treasurer.

An

A.D. 1712.

An Act for appointing Rolling-houses and Publick Landings, and ascertaining the Prices of Storage. N° 5.

WHereas it is expedient, that proper Places be appointed in each County of this Colony, where Tobacco, and other Goods and Merchandizes may be kept safe and without Damage, in order to Transportation, as also Places for Publick Landing; Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all Houses now built and used as Publick Rolling-houses, not being distant from a Publick Landing above the Space of One Mile, shall be, and are hereby confirmed and continued, and shall be constantly kept up and maintained by the respective Proprietors thereof: And in case of Failure therein, it shall and may be lawful for the Courts of the respective Counties to grant the same to any other Person, that shall be willing to build a Rolling-house thereon in the Manner hereafter directed. And all Landings, now used as Publick Landings for the shipping of Tobacco, or unlading other Goods or Merchandizes, are hereby continued and confirmed. And where Publick Rolling-houses are already built, not being within a Mile of a Publick Landing, it shall and may be lawful for the County Courts to order new Rolling-houses to be erected on the same Rolling Roads, not distant from a Publick Landing above half a Mile.

AND for the Conveniency of the Inhabitants on the Heads of great Rivers, and other remote Plantations, on the South-side *James-River*, Be it also Enacted, That where publick Rolling-houses and Landings are not already set out and built, it shall and may be lawful for the Courts of the respective Counties, upon the Application of the Inhabitants for such Landings or Rolling houses, to be appointed on the Land of any Person or Persons whatsoever, to summon the Owner of the said Land, or, if the Owner be under Age, or out of the Country, the Guardian or known Attorney, as the Case is, to appear and shew Cause why a Publick Rolling-house should not be erected on the said Land, or a Publick Landing set out and appointed; and if upon Examination they shall find that the Rolling-house petitioned for is convenient and necessary, to order and appoint a House to be built thereon, for a publick Rolling-house, by the Owner, Guardian, or Attorney, as aforesaid, so as such Rolling-houses built, or to be built, be not distant from a convenient Landing-place above the Space of half a Mile; and also to direct and appoint such Place or Places, convenient for Boats, Sloops, and other Vessels to come to, in order to land or take on board such Tobacco or other Goods, as shall or may be brought thereunto, to be publick Landings.

AND be it further Enacted by the Authority aforesaid, That if any Owner or Owners of any House now built and used for a publick Rolling-house, or the Owner or Owners of any Land appointed by any of the said County Courts for a Place whereon to build a Publick Rolling-house, his, her, or their Guardian or Guardians, Attorney or Attorneys, shall refuse to suffer or let such House be made use of for the Purpose aforesaid, or to build a good and convenient Rolling-house on the Place appointed by such County Court for the same to be built on, within One Year after the Time of such Appointment made, that then and in such Case, upon the Petition of some Freeholder or Freeholders of the County, where the said House is, or Land lies, it shall be lawful for such County Court, and they are hereby required, to order and appoint Three or more good and lawful Men of their County, upon their Oaths, to value and appraise the said House so appointed, together with half an Acre of Land next adjoyning thereto, or to value and appraise half an Acre of the Land so

A.D.1712. appointed for a Place whereon to build a Rolling-houſe; which Value of the Houſe and Half-Acre, or of the Half-Acre of Land appointed for a Place whereon to build a Rolling-houſe, being paid, or lawfully tendred, to the Owner or Owners thereof, and Return of the ſaid Order and Appraiſement to the County Court made, the Freeholder or Freeholders, petitioning as aforeſaid, ſhall be, and are hereby declared to be veſted in the Houſe and Half-Acre of Land, or in the Half-Acre of Land appointed for a Place whereon to build a Rolling-houſe, to him and them, his and their Heirs for ever, upon Condition, that he and they, his and their Heirs and Aſſigns, keep and maintain upon the ſaid Half-Acre of Land ſuch a convenient Rolling-houſe, as the ſaid County Court ſhall, from Time to Time, direct and appoint, or otherwiſe the ſaid Half-Acre of Land to revert to the former Proprietor thereof, his Heirs and Aſſigns, or to ſuch other Perſon, as will build and maintain a ſufficient Rolling-houſe thereon.

PROVIDED always, That the Houſe ſo to be appointed from Time to Time by ſuch County Court, be not a Dwelling-houſe, or any out-houſe, Edifice or Building to a Dwelling-houſe contiguous and belonging or appertaining: And that the Half-Acre of Land ſo to be apppointed by ſuch County Court for a Place whereon to build a Rolling-houſe, be not, at the Time of ſuch Appointment, the Garden, Orchard, or Court-yard to any Dwelling-houſe belonging or appertaining.

PROVIDED alſo, That the Proprietor of ſuch Half-Acre appointed for building a Rolling-houſe, having no Land adjacent, ſhall keep no Hogs, nor other Stock, upon the ſaid Half-Acre, but what ſhall be conſtantly kept within a ſufficient Fence upon the ſaid Half-Acre, upon Penalty of paying Five Shillings, current Money, for every Head of Horſes, Mares, Neat Cattle, Sheep, Goats, Hogs, Shoats, or Pigs, that ſhall at any Time be found at large upon any of the adjacent Lands, to be paid to the Owner of ſuch Land, and cognizable by a Juſtice of the Peace of the County, where the Treſpaſs ſhall be committed.

AND be it alſo further Enacted by the Authority aforeſaid, That there ſhall be paid and ſatisfied to the Owner or Owners of ſuch Rolling-houſe, by the Owner or Owners of ſuch Tobacco, or other Goods or Merchandizes, which ſhall be lodged and kept therein, for Storage for the ſame, the Rates and Prices following, *viz.*

For every Caſk, containing Sixty Gallons, or upwards, and every Bale or Parcel of the like or greater Bulk, Twelve Pence for the firſt Day, or for the firſt Three Months, and Six Pence for every Month afterwards.

And for every Caſk under Sixty Gallons, and every Bale or Parcel of a leſs Bulk than a Sixty Gallon Caſk, Six Pence, and Three Pence reſpectively for every Month, as aforeſaid.

And for all Grain not packed in Caſk, which ſhall be brought to, and lodged in the ſaid Rolling-houſes, the Price of Storage ſhall be after the Rate of Twelve Pence for Sixteen Buſhels, and ſo proportionably for a leſſer or greater Quantity for the firſt Day, or for the firſt Three Months, and Six Pence for every Month afterwards.

Which ſeveral Rates and Prices ſhall be paid and ſatisfied, before ſuch Tobacco, Goods or Merchandizes, ſo lodged in the ſaid Rolling-houſes, ſhall be taken out, or moved therefrom.

AND be it alſo further Enacted by the Authority aforeſaid, that if any Perſon, who ſhall be Owner or Keeper of ſuch Publick Rolling-houſe, ſhall refuſe to take in and keep in ſuch Rolling-houſe any Tobacco, Goods or Merchandizes, which ſhall be rolled or brought to ſuch Houſe, every Perſon ſo refu-

ſing ſhall be liable to ſatisfie, make good and pay to the Owner or Owners of ſuch Tobacco, Goods and Merchandizes, all ſuch Damages as he or they ſhall ſuſtain by reaſon of the ſaid Tobacco, Goods or other Merchandizes not being received and kept in ſuch Rolling-houſe; and the Owner or Keeper of ſuch Publick Rolling-houſe ſhall be liable to an Action at Common Law for any Tobacco, Goods or Merchandizes, which ſhall be loſt out of ſuch Rolling-houſe, and for any Damage which ſhall or may happen to ſuch Goods, Merchandizes or Tobacco, during the Time they ſhall be in the Cuſtody or under the Care of ſuch Owner or Keeper of ſuch Rolling-houſe, for want of due Care, or by the Neglect of the Owner or Keeper of ſuch Rolling-houſe, his Servant or Servants, to the Owner or Owners of ſuch Tobacco, Goods or Merchandizes. *A.D. 1712.*

PROVIDED always, That if any Perſon or Perſons ſhall think him or themſelves aggrieved by any Judgment or Order, which ſhall be given by any County Court for any Matter or Thing done in the Execution of this Act, it ſhall and may be lawful to and for ſuch Perſon and Perſons to appeal from ſuch Judgment or Order to the General Court.

An Act to enable William Manley, *Gent. to ſell and diſpoſe of certain Entailed Lands and Tenements, lying in the County of* Weſtmorland, *on ſettling other Lands and Tenements, lying in the ſaid County, of which he is ſeized in Fee, to the ſame Uſes.*

No 6. Private.

An Act for raiſing a Publick Levy.

No 7. Expired.

At

At a GENERAL ASSEMBLY begun at her Majesty Queen *Anne's* Royal Capitol the 22d Day of *October*, in the 11th Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great Britain*, *France*, and *Ireland*, *Annoque Domini*, 1712. And thence continued by several Prorogations to the 5th Day of *November*, 1713, and in the 12th Year of her Majesty's Reign.

An Act to enable William Smith, *Gent. to sell and dispose of certain Entailed Lands and Tenements, lying in the County of* New-Kent, *on settling other Lands and Tenements, lying in* King William *County, of which he is seized in Fee, to the same Uses.* N° 1. Private.

An Act for raising a Publick Levy. N° 2. Expired.

An Act for Dividing St. Mary's *Parish.* N° 3. Had its Effect.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed. N° 4.

WHEREAS it is found, by daily Experience, that the great Number of Horses and Mares, kept by Persons who have no Freehold or Tenancy in Lands, and suffered to go at large on the Lands of other Persons, is not only prejudicial to the Breed of Horses, but also injurious to the Stocks of Cattle and Sheep of this Colony: For Remedy thereof, Be it Enacted by the Lieutenant Governor, Council, and Burgesses, of this present General *A.D.* 1713.

A.D. 1713. neral Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the Thirtieth Day of *June* next after this Session of Assembly, no Person whatsoever, being an Inhabitant of this Colony, and not having a Freehold of Fifty Acres of Land, or possessed of and occupying a Quantity of Land or Tenement of the Value of Twenty Pounds, or not being a Tenant of, and occupying Lands or Tenements, for which he shall pay Five hundred Pounds of Tobacco, or Fifty Shillings in Money, or the Value of so much Money or Tobacco yearly, shall keep, as Owner or Proprietor thereof, any stoned Horse or unspayed Mare, or any more than one Gelding or one spayed Mare. And if any Inhabitant of this Colony, not having such Freehold, or not being possessed of such Land, Tenement or Tenancy, shall, after the said Thirtieth Day of *June*, presume to keep, as Owner thereof, any stoned Horse or Mare, or any more than one Gelding or one spayed Mare, it shall be lawful for any Person to take up such stoned Horse or Mare, and every Gelding or spayed Mare, above One, kept by such Person; and the Person taking up such Horse, Mare, or Gelding, shall, within Three Days next after such taking up, and Three Days at the least before the Day on which the Court is to be held for the County, where the Owner of such Horse, Mare or Gelding, so taken up, shall reside, give Notice in Writing to the Owner of such Horse, Mare or Gelding, of such taking up; and if the Owner of such Horse, Mare or Gelding, so taken up, shall not appear at the next Court of such County, and make due Proof that he is an Inhabitant of some Place out of this Colony, or that he hath such a Freehold, or is possessed of such Land, Tenement or Tenancy, that then and in such Case, all and every such Horse, Mare and Gelding shall from thenceforth be the proper Goods of the Person taking the same up, as aforesaid; but if such Notice cannot be given Three Days before the Court-day next after the taking up of such Horse, Mare or Gelding, that then the Person, to whom such Notice shall be given, shall not be obliged to appear at the Court until the Court-day succeeding the Court-day next after the Notice was given.

And for the better improving the Breed of the Horses of this Colony, Be it further Enacted by the Authority aforesaid, That, from and after the said Thirtieth Day of *June*, no Person whatsoever shall have or keep, upon any Woodland Grounds, Marshes, or other waste Grounds, not having a sufficient Fence about the same, any stoned Horse, being of the Age of Two Years, and not of the Height of Thirteen Handfuls and a half, to be measured from the lowest Part of the Hoof of the Fore-foot to the highest Part of the Wether, each Handful to contain Four Inches of the Standard, upon Penalty of forfeiting of such stoned Horse, or Four hundred Pounds of Tobacco, and Cask, for every such Horse, which shall be so found in or upon any such Grounds not inclosed, as aforesaid; and that it shall and may be lawful for any Person or Persons, that shall find any such stoned Horse running at large, contrary to the Intent and Meaning of this Act, to seize and carry the same before some Justice of the Peace for that County, and before him make Proof by his or her own Oath, and the Oath of one other Person at the least, that he, she, or they did find and take up such stoned Horse running in such uninclosed Grounds; and after such Proof made, the said Justice of the Peace is hereby authorized and required forthwith to cause the said Horse to be measured, and if it shall appear that the said Horse is not of the Size herein before prescribed, the said Justice shall certifie the same under his Hand, and thereafter it shall and may be lawful, to the Person or Persons who took up the same, to have and keep the said stoned Horse to his or her own Use, as his or her own proper Goods and Chattels.

Provided nevertheless, and it is the true Intent and Meaning of this Act, That every Person or Persons, that shall take up any such stoned Horse, and receive Certificate thereof in Manner aforesaid, shall be, and is hereby obliged

liged to give publick Notice thereof, by setting up Notes at the Door of the Court-house of that County, and Church of that Parish, wherein such taking up shall be, describing the Marks, Colour and Brand of such Horse so taken up; and if within Two Months from and after such Publication the Owner of such Horse shall come to the Person or Persons who took up the same, and shall tender Four hundred Pounds of Tobacco, and Cask, to be immediately paid, or secured to be paid at the next succeeding Crop, such Owner shall recover and redeem such Horse from the Forfeiture herein before-mentioned. *A.D.* 1713.

Provided also, and be it further Enacted, That no Overseer, not having Land of his own in the County wherein he resides, nor any Servant whatsoever, shall be Owner of any unspayed Mare, nor shall keep any Horse, Mare or Colt, without the Licence in Writing of his Master or Mistress; neither shall any such Overseer or Servant keep any more than One, although the Master or Mistress shall grant such Licence, as aforesaid, upon Pain of forfeiting every such Horse or Mare to any one that will inform for the same, recoverable before any Justice of the Peace in the County wherein the Offence shall be committed.

An Act for Continuing an Act for appointing Rangers; and an Act to continue an Act for appointing Rangers, and for Encreasing their Pay; and also to impower the Lieutenant Governor to disband the Rangers, and to apply the Pay appropriated for them to any other Use, which he shall think fit, for the better Security of the Frontiers. No 5. Expired, 1714.

An Act to impower John Holloway *and* John Clayton, *Gentlemen, to receive of the Trustees for the City of* Williamsburgh, *and of all other Persons whatsoever, all Monies by them received for Lots of Land, and otherwise, for the benefit of the said City; and the Sum of Two hundred and one Pounds, Nine Shillings, and Nine Pence, of* Robert Carter, *Esq; and to apply such Monies to certain Uses; and also impowering them to keep the Accounts of the Governor's House, and directing the Finishing of the same.* No 6. Private.

An Act to continue an Act, Intituled, An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs. No 7. Expired.

An

A.D. 1713.

Nº 8. *An Act for Reviving and Continuing an Act, Intituled,* An Act prohibiting Seamen being harboured or entertained on Shore.

WHereas an Act made at a General Assembly, begun at the Capitol the Twenty fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady Queen *Anne*, Intituled, *An Act prohibiting Seamen being harboured or entertained on Shore*, is found by Experience to be a useful and beneficial Law, and is now expired; Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and by the Authority of the same, That the said Act, with all the Clauses, Powers, Matters and Things therein contained, shall be, and is hereby revived, continued, and made Perpetual, to all Intents, Constructions and Purposes whatsoever.

Nº 9. *An Act for Continuing an Act, Intituled,* An Act for the Regulation and Settlement of Ferries, and for Dispatch of Publick Expresses.

WHereas an Act of Assembly, made at a General Assembly begun at the Capitol the Twenty third Day of *October*, in the Fourth Year of the Reign of our Sovereign Lady *Anne*, of *Great Britain*, *France*, and *Ireland*, Queen, and in the Year of our Lord, One thousand seven hundred and five, Intituled, *An Act for the Regulation and Settlement of Ferries, and for Dispatch of Publick Expresses*, hath been by Experience found very useful and necessary: And whereas the said Act is to continue in Force till the End of this present Session of Assembly, and no longer; Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and by the Authority of the same, That the said Act, with all Clauses, Powers, Matters and Things therein contained, shall be and continue in Force, and is hereby made Perpetual.

Nº 10. Expired. *An Act for Preventing Frauds in Tobacco Payments, and for the better improving the Staple of Tobacco.*

An

A.D. 1713.

No 11.

An Act for Registring Births, Christnings and Burials.

WHereas it is judged convenient, that an exact and regular Account of all Persons, who shall be born, christned or buried in this Colony, should be kept; and an Act, made at a Grand Assembly held at *James-City* the Twenty third Day of *March*, in the Year One thousand six hundred sixty two, requiring (among other things) Registers of Births and Burials to be kept, hath for a long Time been disused, and the Method prescribed in the said Act hath not answered the End for which it was intended; Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the Twentieth Day of *April* next after the End of this Session of Assembly, the Parents of every Child, which shall be born free, or One of them, and the Master, Owner, or Overseer of every Child, which shall be born a Slave, shall, within Twenty Days after the Birth of such Child or Children, give Notice in Writing of the Birth of such Child and Children, together with the Name of the Parents of such free-born Child, and the Name of the Owner or Master of such Child born in Slavery, and shall distinguish, whether such Child or Children be Male or Female, to the Minister of the Parish, where such Child or Children shall be born; and if there shall be no Minister of the said Parish, then and in such Case the Notice shall be given, as aforesaid, to the Clerk of the said Parish, or of the Church or Chapel nearest to the Place, where such Birth and Births shall be. And if any Parent of a Child born free, or the Master, Owner, or Overseer of any Child, which shall be born a Slave, shall neglect or refuse to give such Notice within the Time herein before limited for the Doing thereof, every Parent, Master, Owner and Overseer, so neglecting or refusing, shall forfeit and pay Two hundred Pounds of Tobacco for every Offence.

AND be it also Enacted by the Authority aforesaid, That, from and after the said Twentieth Day of *April*, the Master or Mistress of every Family or House, where any Person, being free, shall die, and the Master, Owner or Overseer of any Slave, who shall die, shall, within Twenty Days after the Death of such free Person or Slave, give Notice in Writing of the Death of such free Person, and the Christian and Sirname of such free Person, and of the Death of such Slave, and the Name or Names such Slave was called by, together with the Names of the Master or Owner of such Slave, to the Minister of the Parish, where such free Person or Slave shall die; or if there shall happen to be no Minister of the said Parish, then the Notice of such Death shall be given, as aforesaid, to the Clerk of the said Parish, or to the Clerk of the Church or Chapel nearest to the Place, where such free Person or Slave shall die. And if any Master or Mistress of any House or Family, where any free Person shall die, or the Master, Owner or Overseer of any Slave dying, shall neglect or refuse to give Notice of such Death within the Time herein before for that Purpose limited and appointed, every Master and Mistress of such House or Family, and every Master, Owner and Overseer of such Slave so dying, who shall neglect or refuse to give such Notice, shall forfeit and pay Two hundred Pounds of Tobacco for every Offence.

AND be it further Enacted by the Authority aforesaid, That, from and after the said Twentieth Day of *April*, the Minister of every Parish within this Colony shall keep a fair and exact Register of all the Births and Deaths of the Persons within his Parish, of which Notice shall have been given to him, according to the Directions of this Act, as also of all Persons, which shall be baptized by him. And the Clerk of every Parish-Church or Chapel, whereof there shall be no Minister, shall keep a fair and exact Register of all the Births

A.D. 1713. and Deaths of the Persons within the Parish or Place whereof he shall be Clerk, of which he shall have had Notice in Manner as is above directed; in which said Registers shall be expressed and distinguished the Names of the Persons, which shall be born free, and of their Parents, and the Names of the Persons which shall be baptized, and the Names of the Master or Owner of the Slaves, which shall be born, and whether such Slave be Male or Female, and also the Names of all Persons dying, together with the Names of the Master or Owner of the Persons dying in Slavery, a fair and true Copy of which Register, signed by the Minister or Clerk keeping the same, shall, on the Twentieth Day of *April*, and on the Twentieth Day of *October*, in every Year, by him be returned to the Office of the Secretary of this Dominion; for the keeping and returning of which said Register, as above directed, there shall be satisfied and paid to the Minister or Clerk respectively keeping the same, Three Pounds of Tobacco for every Person so registred. The Fee for Registring of the Births and Christnings of all free Persons, shall be paid by the Parent of such Child; and the Fee for Registring the Births of all Slaves, shall be paid by the Owner of such Slave; and the Fee for Registring the Death of all free Persons, shall be paid by the Person, who shall give Notice of such Death; and the Fee for Registring the Death of all Slaves, shall be paid by the Owner of such Slaves: All which Fees for Registring shall and are hereby declared to be distrainable. And if any Minister or Clerk shall neglect or refuse to keep or return such Register in Manner before in this Act appointed, every Minister and Clerk, so refusing or neglecting to keep or return such Register, shall forfeit and pay Two hundred Pounds of Tobacco for every Month he shall refuse or neglect to keep or return the same.

AND be it further Enacted by the Authority aforesaid, That one Moiety of all the Forfeitures and Penalties above by this Act inflicted and laid, shall go and be to the Use of the Parish, where the Person forfeiting the same shall reside at the Time such Forfeiture shall become due; the other Moiety to him or them, who will inform or sue for the same; every of which Forfeitures and Penalties shall and may be recovered before one of her Majesty's Justices of the Peace.

AND be it further Enacted by the Authority aforesaid, That this Act shall be publickly read in all Parish-Churches and Chapels within this Colony Twice in every Year, that is to say, on some *Sunday* in *March*, and on some *Sunday* in *September*, immediately after Divine Service, by the Minister, Reader, or Clerk of each Parish, under the Penalty of Two hundred Pounds of Tobacco for every such Omission or Neglect. And the Church-wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish. And every Church-warden and Church-wardens, who shall neglect to provide such Copy, shall forfeit and pay Five hundred Pounds of Tobacco; one Moiety of which said Two hundred Pounds of Tobacco, and of the said Five hundred Pounds of Tobacco, shall go and be to the Use of the Parish, where such Forfeiture shall become due; the other Moiety to him or them, who will inform or sue for the same.

AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to the Registring Births, Christnings, or Deaths, or to the Fees given for the same, or any other Matter or Thing within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

An

A. D. 1713.

No 12.

An Act declaring what shall be accounted a sufficient Seating, Planting, Cultivating and Improving of Lands already granted, or hereafter to be taken up and patented.

WHereas the Queen's most Excellent Majesty, for the better Cultivating and Improving of Lands within this her Majesty's Colony, hath, by her Royal Instructions, been pleased to direct, That in all Grants of Lands hereafter to be made, due Regard be had to the profitable and unprofitable Acres; and that every Patentee be obliged, in the best and most effectual Manner, to cultivate and improve Three Acres, Part of every Fifty so granted, within the Term of Three Years after the passing of such Grant; and hath also signified her Gracious Permission, that a Law be passed here, conformable to her Majesty's said Instructions: And whereas great Part of the Lands now to be taken up in this Colony are so barren, that the same cannot be cultivated and tended with any Profit to the Owner, until first improved and manured; and others are so Stony and Rocky, that no Person will patent the same, except upon the Prospect of the Mines and Quarries, which may be found thereon; and many other Tracts are full of Marshes, Swamps, and sunken Grounds, unfit either for Cultivation or Pasturage, without being first cleared and drained: To the End therefore that sufficient Encouragement may be given for taking up as well the unprofitable as profitable Lands within this Dominion, for the Increase and Advancement of her Majesty's Revenue of Quit-Rents, and for the Benefit of her Majesty's Subjects, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That no Survey of Lands shall hereafter be made, in order to the obtaining a Patent, unless the same be made by a Sworn Surveyor, or duly commissionated for that Purpose; and that in all such Surveys the Breadth of the Tract or Dividend so laid out, bear at least the Proportion of One third Part of the Length, except where the Courses thereof shall be interrupted by Rivers, Creeks, or unpassable Swamps, or by the Bounds of Lands theretofore taken up or patented. And upon all Surveys hereafter to be made, every Surveyor is hereby required and enjoyned to take particular Notice, according to the best of his Judgment and Understanding, how much of the Land so surveyed is plantable, and how much thereof is barren and unfit for present Cultivation, and accordingly to insert in the Survey and Plat by him returned into the Secretary's Office the true Quantity of each kind of Land.

AND whereas divers Tracts of Land have been hitherto surveyed for sundry Persons, who have not yet obtained Patents, in which Surveys no Distinction is made between plantable and barren Lands, nor can the same be known without Resurveying such Land, which would be very chargeable and expensive to the Persons claiming the same; Be it therefore Enacted, That for all Lands surveyed before the last Day of *October*, One thousand seven hundred and thirteen, One third Part of the Tract, mentioned in each Survey, shall be accounted plantable, and the other Two Thirds shall be accounted barren.

AND be it further Enacted, That for every Fifty Acres of the said Land accounted plantable, contained in the Tract mentioned in the Patent, the Patentee shall be obliged, within Three Years after the Date of the said Patent, to clear, tend and work Three Acres at the least, and so proportionably for a greater or lesser Quantity, in some Part of the said Tract, where he shall judge most convenient and advantagious; or else to clear and drain Three Acres of Swamp or sunken Grounds, or drain Three Acres of Marsh, if any such be within the Bounds of his said Tract. And for every Fifty Acres of the said Land accounted barren, as aforesaid, every such Patentee shall be obliged to

A.D. 1713. put and keep on the said Tract of Land, within Three Years after the Date of his Grant, the Number of Three Neat Cattle, or Six Sheep or Goats, and shall be obliged to keep the said Number of Neat Cattle, Sheep or Goats, on the said Tract of Land, until Three Acres for every Fifty be fully improved, cleared and tended.

And be it further Enacted by the Authority aforesaid, That if any Person shall take up a Tract of Land, wherein there shall be no Part fit for present Cultivation, without manuring and improving the same, every such Patentee shall be obliged, within Three Years after the Passing such Grant, to erect and build on some Part of the said Tract one good Dwelling-house, after the Manner of *Virginia* Building, to contain at least Twenty Foot in Length, and Sixteen Foot in Breadth, and also to put and keep thereon the like Number of Three Neat Cattle, or Six Sheep or Goats, at the least, for every Fifty Acres of the said Land. And where any Person shall take up and patent any Stony or Rocky Grounds, not fit for Planting or Pasturage, if such Patentee shall, within Three Years after the Passing of his Grant, begin to employ thereon, and so continue to work for Three Years then next coming, in digging of any Stone, Quarry, Coal, or other Mines, One good able Hand for every Hundred Acres of the said Tract, such Improvement shall be accounted and taken to be a sufficient Seating, Planting, and Cultivation within the Meaning of this Act.

Provided always, That every Three Acres of Land, which shall be cleared, tended and worked, as aforesaid, and every Three Acres, which shall be cleared and drained, as aforesaid, shall be accounted a sufficient Seating, Planting, Cultivation or Improvement, to save for ever from Lapsing Fifty Acres of Land in any Part of the Tract contained within the Bounds of the same Patent: And the Patentee, his Heirs and Assigns, shall, at all Times thereafter, be at Liberty to withdraw his Stock, or to forbear working in any Quarry or Mine, in Proportion to such Cultivation and Improvements, as shall be made upon the plantable Lands, or upon the Swamps, sunken Grounds, and Marshes, which are included in the same Patent.

And whereas divers of her Majesty's Subjects, before her Majesty's Pleasure was publickly notified concerning the granting of Lands, were at great Charge and Trouble in taking up and surveying divers Tracts of Land, in Expectation of Grants thereof, upon the Conditions of Seating and Planting required by the Laws and Usages of this Colony then in Force, and must now relinquish their Pretensions to the said Lands, with the entire Loss of all their Charges thereon, unless some further Time be given for improving and saving the same; Be it therefore Enacted by the Authority aforesaid, That for all Lands entred for and surveyed before the Eighth Day of *December*, in the Year One thousand seven hundred and ten, and for which Patents shall hereafter be sued out, there shall be allowed Five Years after the Date of the Patent to each Patentee, to make such Seating, Planting, Cultivation or Improvement thereon, as are herein before prescribed and set down respectively.

And be it further Enacted, That when any Land is sued for as lapsed, there shall be reserved to the Patentee such Quantity of his Tract of Land, as he shall prove to have made a Cultivation and Improvement sufficient to save the same, according to the Directions of this Act; and that it shall be in the Power of the Patentee or Possessor of such Land, to allot the Residue of the Land, which shall be found to be lapsed, to the Person claiming the same in any Part of the Tract in one entire Piece.

Provided always, That nothing herein contained shall be construed, deemed or taken to oblige the Patentee of any Lands heretofore granted, to make any further or other Cultivation and Improvement thereon, than was required by the Laws or Instructions in Force at the Time of obtaining the Grant thereof.

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PROVIDED neverthelefs, That every Patentee fhall be obliged duly to pay the Quit-Rents for the faid Lands; and that upon Failure of Payment thereof for the Space of Three Years, at any Time after the Date of his faid Patent, all the Eftate, Right and Title of fuch Patentee fhall be determined and utterly void, and the faid Lands, and every Part thereof, fhall revert to her Majefty, her Heirs and Succeffors, notwithftanding the fame fhall have been feated, planted, cultivated and improved in the Manner above expreffed.

PROVIDED alfo, That in all Grants hereafter to be made of Lands forfeited, for not complying with the Condition and Limitation in the firft Grant thereof, the fame Proceedings fhall be had, as in and by one Act of Affembly, made at a General Affembly begun and held at the Capitol the Twenty fifth Day of *October*, in the Ninth Year of her Majefty's Reign, Intituled, *An Act for fettling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon*, are directed and prefcribed.

AND be it alfo Enacted by the Authority aforefaid, That when any Perfon, who hath heretofore taken up and patented, or fhall hereafter take up and patent any Land, fhall have feated, planted, cultivated or improved the faid Land, or any Part thereof, according to the Directions above in this Act prefcribed and laid down, fuch Patentee may make Proof of fuch Seating, Planting, Cultivation and Improvement in the General Court, or in the Court of the County, where fuch Land fhall lie, and have fuch Proof certified to the Secretary's Office, and there entred with the Record of the faid Patent, a Copy of which fhall be admitted as good Evidence on any Trial to prove the Seating and Planting of fuch Land.

AND be it further Enacted, That all Lands hereafter feated, planted, cultivated or improved, according to the Directions, and within the Time in this Act mentioned, fhall not be deemed or taken to be forfeited, for not complying with the Condition of cultivating and improving, mentioned in the Grant thereof.

AND to the End her Majefty may be fully informed how far the feveral Claufes and Provifoes in this Act contained are agreeable to her Majefty's Royal Intentions, before the fame be put in Execution, Be it Enacted, That this Act fhall commence and be in Force from and after the Firft Day of *December*, which fhall be in the Year of our Lord, One thoufand feven hundred and fourteen, unlefs her Majefty fhall be pleafed in the mean time to fignifie her Difapprobation or Difallowance thereof.

At a GENERAL ASSEMBLY begun at the Capitol the 22d Day of October, in the 11th Year of the Reign of her late Majesty Queen *Anne*, and in the Year of our Lord, 1712. And thence continued by several Prorogations to the 16th Day of *November*, in the 1st Year of the Reign of our Sovereign Lord *George*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. *Annoq; Domini*, 1714.

An Act for the better Regulation of the Indian *Trade.* No 1. Repeal'd, 1717.

An Act to exempt certain German *Protestants from the Payment of Levies for Seven Years, and for erecting the Parish of St.* George. No 2.

WHEREAS certain *German* Protestants, to the Number of Forty two Persons, or thereabouts, have been lately settled above the Falls of the River *Rappahanock*, on the Southern Branch of the said River, called the *Rappidann*, at a Place named *Germanna*, in the County of *Essex*, and have there begun to build and make Improvements for their Cohabitation, to the great Advantage of this Colony, and the Security of the Frontiers in those Parts from the Incursions of the *Indians*: For the Encouragement therefore of the said *Germans* in their Infant Settlement, Be it Enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly; and it is hereby Enacted by the Authority of the same, That all and every the *Germans*, now seated at *Germanna*, shall be, and are hereby declared to be free and discharged from the Payment of all and all Manner of Publick or County Levies or Assesments what- A.D. 1714.

A.D. 1714. whatsoever, for and during the Term of Seven Years from and after the End of this Session of Assembly. And if any other *German* or other Foreign Protestants shall, within the said Term of Seven Years, settle themselves at *Germanna* aforesaid, such *German* and *Germans*, and other Foreign Protestants, shall be free and discharged from the Payment of all such Levies for the Term of Seven Years from the Time of their settling at *Germanna* respectively: Provided such *Germans* or Foreigners, who now are, or who, within the said Term of Seven Years, shall settle at *Germanna* aforesaid, shall be and continue for so long Time to cohabit at *Germanna*. And if any of the said *Germans* or others shall depart from the said Settlement at *Germanna*, and inhabit any other Part of this Colony, such *German* and *Germans*, and other Foreign Protestants, leaving the said Settlement, shall be assessed and pay all such Levies and Taxes, as his Majesty's Subjects of this Dominion shall and do pay.

And be it further Enacted by the Authority aforesaid, That the Place called *Germanna*, together with a Precinct of Land thereunto next adjoyning, extending Five Miles on each Side of the said Town or Settlement of *Germanna*, is and shall be from henceforth a distinct Parish of it self, and shall be called by the Name of the Parish of St. *George*, and is, and shall be divided and exempt from the Parish of St. *Mary*, in the said County of *Essex*, and from all Dependencies, Offices, Charges and Contributions for or in respect thereof, and from the Cure of the Minister of the said Parish of St. *Mary*, and his Successors, and also is and shall be discharged of all Levies, Oblations, Obventions, and all other Parochial Duties whatsoever relating to the said Parish of St. *Mary*.

Provided always, That the Parishioners of the said Parish of St. *George* shall not be obliged to pay to any Minister or Ministers of their said Parish, the Salary allowed by Law to the Ministers of other Parishes of this Colony, until such Time as there shall be the Number of Four hundred Tithable Persons in the said Parish of St. *George*: But the said Parishioners are and shall be at Liberty in the mean time to agree with their Minister and Ministers, to serve the Cure of their said Parish upon such Terms, as by the Lieutenant Governor, or the Governor or Commander in chief of this Dominion for the Time being, with the Advice of the Council, shall be thought reasonable; any Law, Statute or Custom to the contrary thereof in any wise notwithstanding.

No 3. Had its Effect.

An Act for the Relief of Persons, who, by reason of the Drought of last Summer, have made small Quantities of Corn and Tobacco, and who, for want of Opportunity of Shipping, have great Quantities of old Tobacco now by them, and for punishing Persons, who shall carry any Hogsheads of Tobacco not stamped out of this Colony.

No 4. Expired, 1719.

An Act to prevent the malicious Burning or Destroying the Publick Store-houses of Tobacco Agents.

An

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An Act to continue an Act, Intituled, An Act for preventing Frauds in Tobacco Payments, and for the better improving the Staple of Tobacco, and for supplying and remedying certain Defects and Inconveniencies in the said Act.

Nº 5. Repeal'd.

An Act for Continuing an Act, Intituled, An Act for Prevention of Abuses in Tobacco shipped on Freight.

Nº 6.

WHereas an Act of Assembly, made at a General Assembly begun at the Capitol the Twenty fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady *Anne*, of *Great Britain*, *France*, and *Ireland*, Queen, and in the Year of our Lord, One thousand seven hundred and ten, Intituled, *An Act for Prevention of Abuses in Tobacco shipped on Freight*, hath been by Experience found very useful and necessary: And whereas the said Act is to continue in Force till the End of this present Session of Assembly, and no longer; Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and by the Authority of the same, That the said Act, with all Clauses, Powers, Matters and Things therein contained, shall be and continue in Force and is hereby made Perpetual.

An Act to supply the Defects in an Act, Intituled, An Act for laying a Duty on Liquors and Slaves.

Nº 7. Expired.

An Act for the further Continuing an Act for laying a Duty on Liquors and Slaves, and Two other Acts relating to that Act.

Nº 8. Ditto.

An Act for Erecting a Magazine.

Nº 9.

WHereas our late Sovereign Lady Queen *Anne*, of her Grace and Bounty, was pleased to bestow a considerable Quantity of Arms and Ammunition for the Service of this Colony, which are in Danger to be imbezilled and spoilt for want of a convenient and proper Place to keep them in; Be it therefore Enacted by the Lieutenant Governor, the Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, as soon as conveniently it may be done, there shall be erected

 and

A.D. 1714. and finished one good, substantial House of Brick, which shall be called The Magazine, at such Place, as the Lieutenant Governor shall think proper; in which Magazine all the Arms, Gun-powder and Ammunition now in this Colony belonging to the King, or which shall at any Time hereafter be belonging to his Majesty, his Heirs or Successors in this Colony, may be lodged and kept; for the Building and Finishing which Magazine, there shall be laid out and expended any Sum or Sums of Money, not exceeding Two hundred Pounds, to be levied and paid out of the Moneys arising by the Duty on Liquors and Slaves, after the Moneys already appropriated and ordered to be paid out of the said Duty are fully satisfied and paid; and the Honourable the Lieutenant Governor is hereby impowered and desired to order and direct the Building the said Magazine, and to issue his Warrant, from Time to Time, on the Treasurer of this Dominion for the Payment of the Money hereby given.

And be it further Enacted by the Authority aforesaid, That, so soon as the said Magazine shall be fit to receive therein the Arms and Ammunition, it shall and may be lawful for the Lieutenant Governor, or the Governor or Commander in chief of this Dominion for the Time being, to constitute and appoint a Person to look after and take charge of the Magazine, and the Ammunition which shall be lodged therein; which Person so appointed shall be called the Keeper of the Magazine, who shall have and receive the Yearly Salary of Twenty Pounds; and also to constitute and appoint one other Person to take care of, keep clean, and mend the Arms, which shall be kept in the said Magazine; which Person shall be called the Armourer, who shall have and receive the Yearly Salary of Twenty Pounds, which said Salaries of Twenty Pounds hereby given to the Keeper of the Magazine and to the Armourer, shall be paid and satisfied Yearly out of the Moneys arising by the said Duty on Liquors and Slaves, after the Moneys already appropriated and ordered to be paid out of the said Duty shall be fully satisfied and paid.

And be it further Enacted by the Authority aforesaid, That when and so soon as there shall be a Company erected, and incorporated by Charter or Act Assembly, by the Name of The *Virginia Indian* Company, or by any other Name, to trade with the *Indians* Tributary to this Government, or Foreign, such Company shall, before they be permitted to use or exercise their said Trade, pay to the Treasurer of this Dominion the Sum of One hundred Pounds, in Part of such Money as shall have been laid out and expended, by the Directions of this Act, for Building and Finishing the said Magazine.

No 10. *An Act for Regulating and Settling the Current Rates of Gold Coin, and of* British *Silver Coin, in this Dominion.*

WHereas the Rates at which Foreign Coined Gold hath passed in this Colony have hitherto been unsettled, and some of them disproportionate to others of the same Intrinsick Value, and all unequal to the Coined Gold of *Great Britain;* Wherefore, for ascertaining the Rates thereof as near as may be at an equal Value, Be it Enacted by the Lieutenant Governor, the Council and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That the several Species of Gold Coin herein after mentioned and set down, shall be current within this his Majesty's Colony and Dominion in all Payments, for the discharging any Contracts, Bargains or Debts, to be made or contracted after the Publication of this Act, and shall

ſhall paſs, be accounted and received at the following Rates; that is to ſay, All Pieces of *Britiſh* Gold Coin, not milled, and all *Spaniſh* or *French* Coined Gold, all Pieces of Coined Gold of the Empire, all *Chequeens* and *Arabian* Pieces of Gold, and Moyders of *Portugal*, and all leſſer Pieces of that Species, ſhall paſs and be current, according to their reſpective Weights, at and after the Rate of Five Shillings the Penny Weight; and all Guineas ſhall paſs and be current at Twenty ſix Shillings apiece, and the Half-Guineas in Proportion.

And whereas the Silver Coin of *Great Britain*, called *Sterling*, doth now paſs at a lower Rate in this Colony than the Coin of Foreign Princes and States current here; For Rectifying whereof, Be it Enacted by the Authority aforeſaid, That the ſeveral Pieces of *Sterling* milled Money, called Crowns, Half-Crowns, Shillings, and Six-pences, ſhall paſs, be accounted and received in all Payments, for the diſcharging any Contracts, Bargains or Debts, to be made or contracted after the Publication of this Act, at the Rate of Five Shillings and Ten Pence for each milled Crown, and all Half-Crowns, Shillings, and Six-pences according to that Proportion; and that all old *Britiſh* Silver Coin, not milled, ſhall paſs at the Rate of Three Pence three farthings the Penny Weight. And if any Perſon or Perſons whatſoever deny or refuſe to take and receive the aforeſaid Coins of Gold or Silver, or any of them, when offered or tendred in Payment of a Money Debt contracted after the Publication of this Act, at the full Rate, Price and Value ſet by this Act, he, ſhe, or they ſo refuſing, ſhall loſe and forfeit to the Perſon offering or tendring the ſame, ſuch Sum or Sums of Money, as he, ſhe, or they ſo refuſe or deny to take; to be recovered by Action of Debt or Information in any Court of Record in this Dominion, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed: And if the ſaid Forfeiture ſhall be leſs than Twenty Shillings, to be recovered before any Juſtice of the Peace of the County where the Refuſal ſhall happen to be made.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times hereafter coin, counterfeit, falſifie, or debaſe any of the Coins above in this Act mentioned, or ſhall be aiding, conſenting, or counſelling therein, he, ſhe, or they ſo offending, and being thereof lawfully convicted, ſhall be deemed and adjudged as guilty of High Treaſon, and ſhall ſuffer ſuch Pains, Penalties and Forfeitures, as are inflicted and laid on Offenders in ſuch Caſes by the Laws of *England*.

Provided neverthelеſs, and it is hereby meant and intended, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to any Money Payment already due to the Payment of any of the Revenues of his Majeſty, ariſing within this Colony, or to any Salaries payable out of the ſame, or to any Payment to be made for any Debt due on a Bill of Exchange proteſted, or on any Specialty expreſſed to be due in Sterling Money, or on any Debt contracted in *Great Britain*.

Provided alſo, and it is hereby Declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to reſtrain his Majeſty from Regulating or Settling the ſeveral Rates of the ſaid ſeveral Species of Foreign Coins of Gold, or of *Britiſh* Coins of Gold or Silver within this Colony and Dominion in ſuch other Manner, and according to ſuch other Rates and Values, as his Majeſty, by his Royal Proclamation for that Purpoſe to be iſſued, or by his Royal Inſtructions to his Governor or Commander in chief of this Dominion for the Time being, ſhall, from Time to Time, judge proper and neceſſary.

An

A.D. 1714.

No 11. *An Act to oblige Owners and Occupiers of Mills, to which publick Roads shall lead, to make the Dams of such Mills Ten Foot wide at the Top.*

WHereas the Convenience designed for Travellers and Persons transporting Goods and Merchandizes from one Place to another in Carts and other Carriages, by enlarging the publick high Roads of this Colony, is in a great Measure taken away, by reason several Mill Dams, over which such Roads do lead, are so narrow, that Carts and Carriages cannot pass over them: For Remedy whereof, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the last Day of *November*, which shall be in the Year of our Lord Christ, One thousand seven hundred and fifteen, all and every the Mill Dams already built, or that shall hereafter be made and built on any of the great Roads within this Colony, which by Law are appointed to be cleared as publick Roads, and the Bridge at the Flood-gates, and the Passage at the Pier-Head of the Mill, to which such Dam shall belong, shall be substantial and strong, and of the Breadth of Ten Foot at the least at the Top, for the whole Length of such Dam-Bridge and Passage; and if any such Mill Dam-Bridge or Passage shall, after the said last Day of *November*, be of less Breadth than Ten Foot at the Top for the whole Length of such Dam-Bridge and Passage, the Owner and Owners, or the Occupier and Occupiers of such Mill shall forfeit and pay Two thousand Pounds of Tobacco; and if such Mill Dam-Bridge or Passage shall, after the said last Day of *November*, continue or be suffered to be of less Breadth than Ten Foot at the Top for the whole Length of such Dam-Bridge and Passage, that then the Owner and Owners, or the Occupier and Occupiers of such Mill shall forfeit and pay Two hundred Pounds of Tobacco for every Month after the said last Day of *November*, which such Mill Dam-Bridge or Passage shall continue or be suffered to be of less Breadth than Ten Foot at the Top for the whole Length of such Dam-Bridge and Passage. And if the Owner or Owners of such Mill shall be under the Age of Twenty one Years, or shall reside out of this Colony, that then the Guardian of such Infant, and the Attorney of such Owner, who shall reside out of this Colony, shall, at the Charge of such Infant and Owner residing out of this Colony, by the said last Day of *November*, make, and afterwards keep such Mill Dam-Bridge and Passage of the Breadth above by this Act directed for the whole Length of such Dam-Bridge and Passage, under the same Penalties and Forfeitures, as are before by this Act given for not performing thereof by the Owner and Owners, or Occupier and Occupiers of such Mills; all which Forfeitures and Penalties shall and may be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record in this Dominion, by the Owner of any other Mill in the same County, whose Dam shall be sufficient, according to the Direction of this Act, and who shall first sue for the same, for and towards the keeping the said Dam in Repair. And if there be no such Owner of a Mill in that County, or if such Owner do not sue in Two Months after the Forfeiture incurred, then by the Church-warden or Church-wardens of the Parish where such Mill shall be, for the Use of the poor Inhabitants of such Parish.

PROVIDED always, That where any such Mill shall be in the Tenure or Occupation of any Tenant, who shall not have a Term therein for more than Two Years after the said last Day of *November*, such Tenant shall not be obliged, by Virtue of this Act, to make or keep the Dam-Bridge or Passage to such Mill belonging, of such Breadth, as is above by this Act required, nor

shall

shall be liable to any the said Penalties or Forfeitures for not performing thereof; but that in such Cases the Owner or Proprietor of such Mills shall be obliged to do and perform the same, under the Forfeitures and Penalties aforesaid. A.D. 1714.

PROVIDED also, That if any of the Mill-Dams, Pier-Heads, or Floodgates aforesaid, shall happen to be destroyed, or carried away by violent Rains, or any other Accident, the Owner or Owners thereof shall not be liable to any of the Penalties afore-mentioned, until One Month after such Mill hath ground at least One Bushel of Corn, or other Grain, for Toll.

An Act to repeal Part of an Act, Intituled, An Act giving a Reward for killing of Wolves, *and for lessening such Reward.* No 12.

WHereas in and by one Act of Assembly, made at a General Assembly begun at the Capitol the Twenty third Day of *October*, in the Fourth Year of the Reign of our late Sovereign Lady Queen *Anne*, Intituled, *An Act giving a Reward for killing of Wolves*, among other Things, it is Enacted, "That whatsoever Person or Persons (the Tributary and all Foreign *Indians* "excepted) shall, after the Publication of the said Act, kill or destroy Wolves, "old or young, such Person or Persons, for every Wolf taken and destroyed "by Means of a Pit or Trap made and kept for that Purpose, shall have a "Reward of Three hundred Pounds of Tobacco; and of Two hundred Pounds "of Tobacco for every Wolf killed or destroyed by any other Way; that "whatsoever *Indian* or *Indians*, Tributary to this Dominion, shall kill or de-"stroy Wolves, such *Indian* or *Indians*, for every Wolf killed or destroyed "by any Means whatsoever, shall have a Reward of One hundred Pounds of "Tobacco, and no more; and that the said several Rewards shall be paid to "the respective Person or Persons meriting the same in the County where "the Fact happens to be done; and that the several County Courts within "this Colony and Dominion be impowered, and every of them, by the said "Act, is impowered, authorized and required, at the laying of the County "Levy, annually to allow and order to all and every Person or Persons claim-"ing or demanding any of the Rewards aforesaid, the respective Sum or Sums "of Tobacco accruing due to such Person or Persons by Virtue of the said "Act, and to assess, raise or levy the same upon the Tythable Persons within "their respective Counties, by a Poll-Tax." Which said Rewards of Three hundred Pounds of Tobacco, and Two hundred Pounds of Tobacco, by the said Act given, are larger than the Pains and Service in killing, or taking and destroying a Wolf doth deserve, and increase the Levy on the Inhabitants of the Frontier Counties of this Colony, where Wolves are found in greatest Numbers, to a very large Quantity of Tobacco: Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That that Part of the said Act, in and by which the Reward of Three hundred Pounds of Tobacco is given for every Wolf taken and destroyed by Means of a Pit or Trap made and kept for that Purpose; and that Part of the said Act, in and by which a Reward of Two hundred Pounds of Tobacco is given for every Wolf killed or destroyed by any other Way; and also that Part of the said Act, by which the Tobacco given for the said Rewards is ordered to be levied on the County where such Wolf shall be killed or destroyed, shall be, and is hereby Repealed, and made Null and Void to all Intents and Purposes whatsoever.

A.D. 1714. And be it further Enacted by the Authority aforesaid, That every Person or Persons (except *Indians* not tributary to this Government of *Virginia*) who, after the passing of this Act, shall kill any Wolf, of what Age soever it be, within this Colony, in any Manner, or by any Way whatsoever, shall have and receive the Reward of One hundred Pounds of Tobacco for every Wolf so by him or them killed, and no more; which Killing shall be proved and certified in the same Manner, as is directed and appointed by the said Act made in the Fourth Year of her late Majesty's Reign, for proving the killing or destroying Wolves, and certifying thereof. And the Tobacco by this Act given as a Reward for killing Wolves, shall be first levied by the County Court on the Inhabitants of the County wherein such Wolves shall be killed, and repaid by the Country at the next Publick Levy.

N° 13. *An Act for altering the Day for* Princess Anne *County Court, and the Day for* Essex *County Court.*

WHereas it is by Experience found, that the Day appointed for holding *Princess Anne* County Court, and the Day appointed for holding *Essex* County Court, according to an Act, Intituled, *An Act for Establishing County Courts, and for Regulating and Settling the Proceedings therein*, are very inconvenient; Be it therefore Enacted by the Lieutenant Governor, by and with the Advice and Consent of the Council and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That every Clause, Article, Matter and Thing contained in the said Act, which relates to the Appointment of the Day for holding Court in the said County of *Princess Anne*, or to the Appointment of the Day for holding Court in the said County of *Essex*, be, and is hereby Repealed and made Void.

And be it further Enacted by the Authority aforesaid; and it is hereby Enacted, That, from and after the Publication of this Act, at the Court-house in the said County of *Princess Anne*, the Court for the said County of *Princess Anne* be constantly held by the Justices thereof on the First *Wednesday* of every Month; and that, from and after the Publication of this Act, at the Court-house in the said County of *Essex*, the Court for the said County of *Essex* be constantly held by the Justices thereof on the Third *Tuesday* of every Month; any thing in the aforesaid Act to the contrary notwithstanding.

Provided always, That nothing herein contained shall be construed, deemed or taken to alter or derogate from the Royal Prerogative of his Majesty, his Heirs or Successors, of appointing such other Times and Places for holding the said County Courts, or any other his Majesty's Courts within this Colony, as his Majesty, his Heirs or Successors, by Instructions to the Governor or Commander in chief of this Dominion for the Time being, shall think fit to direct; but that the said Right and Prerogative may be exercised by the Governor of this Dominion for the Time being, and the Times and Places of holding such Courts altered upon the Application of the Justices or Inhabitants of the several Counties respectively; any thing in this Act to the contrary thereof in any wise notwithstanding.

N° 14. Had its Effect. *An Act for raising a Publick Levy.*

An

A.D. 1714.

N°. 15.

An Act to prevent Hogs Rooting within the City of Williamsburgh, *and certain adjacent Places.*

WHereas the suffering Hogs to root within the City of *Williamsburgh* is found very injurious to the Inhabitants, by breaking up the Streets and publick Places, rendring the same dirty and miry, and to the great Discouragement of planting Hedges, Avenues, and other Improvements, for the Convenience and Ornament of the Palace, and of the College of *William* and *Mary*, adjoyning to the said City: For Remedy thereof, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly; and it is hereby Enacted by the Authority of the same, That, from and after the First Day of *March* next after the End of this Session of Assembly, no Hog, Shoat, or Pig, which shall be above the Age of Two Months, not being ringed, or not having the Nose thereof cut sufficiently, to prevent such Hog, Shoat or Pig from rooting, shall be suffered to go at large within the Space of One Mile from the Church now building in the said City, or within the Limits of the Ports to the said City belonging. And if any such Hog, Shoat or Pig, not ringed, or not having the Nose thereof so cut, shall, after the said First Day of *March*, be found going at large within the said Space of One Mile from the said Church, or within the Limits of the said Ports, it shall and may be lawful to and for any Person or Persons, for that Purpose, by the Directors of the said City, or the major Part of them, or by the Governors of the said College, or by the major Part of them, by Order in Writing under their Hands appointed; which Person so appointed shall be called the Pound-keeper; and before his Admission into the said Office shall take an Oath before any of the Directors of the said City, or any of the Governors of the said College, for the due Execution of the Trust reposed in him, without Favour, Partiality, or any By-Respects whatsoever, to impound such Hog, Shoat or Pig, so found within the Places aforesaid, in some open and publick Pound, as near as conveniently may be to some great Street in the said City, or within the Limits of the said Ports, and the same there to keep and impound, until the Owner of such Hog, Shoat or Pig shall pay to the Pound-keeper Six Pence: And if the Owner of such Hog, Shoat or Pig, so impounded, shall neglect or refuse to pay to the Pound-keeper, within Three Days after such Impounding, the said Sum of Six Pence for every Hog, Shoat or Pig so impounded, that then, and in such Case, it shall and may be lawful for the Pound-keeper to expose such Hog, Shoat or Pig to publick Sale, and to retain and keep out of the Money arising by such Sale the Charges thereof, and the said Sum of Six Pence for every Hog, Shoat or Pig so impounded and sold; the Remainder of which Money shall be paid to the Owner of such Hog, Shoat or Pig, when the same shall be by him demanded.

AND be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person and Persons, so to be appointed for impounding Hogs, Shoats and Pigs, to pursue, hunt, and catch any such Hog, Shoat or Pig, not ringed, or not having the Nose thereof cut in Manner aforesaid, which shall, after the said First Day of *March*, be found within the Space of One Mile from the said Church, or within the Limits of the said Ports, on the Lands of any Person or Persons whatsoever, beyond the said Space of One Mile from the said Church, or the Limits of the said Ports, and the same to bring, impound, detain, sell, and dispose of the Money arising by such Sale, in the same Manner, as if such Hog, Shoat or Pig had been catched and taken within the said Space of One Mile from the said Church, or within the Limits of the said Ports.

PROVIDED

A.D. 1714. PROVIDED always, That nothing herein contained ſhall be adjudged, deemed or taken to debar or hinder any Perſon or Perſons from driving any Hog, Shoat or Pig to any Place within the ſaid Space of One Mile from the ſaid Church, or within the Limits of the ſaid Ports, or through the ſame, for Sale, or from one Plantation to any other Plantation, although ſuch Hog, Shoat or Pig be not ringed, or the Noſe thereof be not cut.

PROVIDED alſo, and be it Enacted, That if any Perſon or Perſons ſhall take the Ring out of the Noſe of any Hog, Shoat or Pig, ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay to the Party grieved the Sum of Fifteen Shillings, current Money, to be recovered, upon Proof thereof made by the Oath of One or more credible Witneſſes, before any Juſtice of Peace of the Counties of *James-City* or *York*.

AND be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Directors of the ſaid City for the Time being, or the major Part of them, at the Charge of the Inhabitants of the ſaid City, on ſome Part of the Land appropriated for the Uſe of the ſaid City, as near as may be to ſome great Street, or within the Limits of the ſaid Ports, and for the Governors of the ſaid College for the Time being, or the major Part of ſuch Governors, on ſome publick Part of the Land belonging to the ſaid College, adjacent to the ſaid City, to erect, build and maintain One or more open and publick Pounds, to be made uſe of for the impounding Hogs, Shoats or Pigs, according to the Directions above in this Act given.

AND be it further Enacted, That if any Perſon or Perſons ſhall maliciouſly or wilfully burn, deſtroy, pull down, or break open any of the Pounds to be erected by Virtue of this Act, ſuch Perſon and Perſons ſo offending ſhall, for every ſuch Offence, being thereof lawfully convicted, forfeit and pay the Sum of Five Pounds, current Money, to the Uſe of the ſaid City, or to the Uſe of the ſaid College, to whom the Pound ſo burnt, deſtroyed, pulled down, or broke open, ſhall belong; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, at the Suit of any of the Directors of the ſaid City of *Williamsburgh*, or of any of the Governors of the ſaid College, who ſhall inform or ſue for the ſame in any Court of Record within this Colony.

No 16. Expired.

An Act to prevent Hogs going at large in the County of Middleſex.

No 17.

An Act to prevent Hogs Rooting within the Limits of York *Town.*

WHereas the ſuffering Hogs to root within the Town of *York* is found very injurious to the Inhabitants thereof, by breaking up the Streets and other publick Places within the ſame; For Prevention whereof for the future, Be it Enacted by the Lieutenant Governor, Council, and Burgeſſes of this preſent General Aſſembly; and it is hereby Enacted by the Authority of the ſame, That, from and after the laſt Day of *March* next after the End of this Seſſion of Aſſembly, no Hog, Shoat or Pig, which ſhall be above the Age of Two Months, and belonging to any of the Inhabitants of the ſaid Town of *York*, ſhall be ſuffered to go at large, but ſhall conſtantly be kept up in ſome Pen or

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Sty: And if any ſuch Hog, Shoat or Pig, belonging to any of the ſaid Inhabitants of the ſaid Town, ſhall, after the ſaid laſt Day of *March*, be found going at large within the Limits of the ſaid Town, it ſhall and may be lawful to and for any Perſon or Perſons, upon whoſe Ground ſuch Hog, Shoat or Pig ſhall be found, by Order of the next Juſtice of the Peace, to take up and impound every ſuch Hog, Shoat or Pig in ſome open and publick Place within the Limits of the ſaid Town, and the ſame there to keep, until the Owner or Owners thereof ſhall pay to the Taker up of every ſuch Hog, Shoat or Pig Six Pence. And if the Owner or Owners of ſuch Hog, Shoat or Pig, ſo taken up and impounded, as aforeſaid, ſhall neglect or refuſe to pay the Taker up, within Two Days after ſuch Impounding, the ſaid Sum of Six Pence for every Hog, Shoat or Pig ſo impounded, that then, and in ſuch Caſe, it ſhall and may be lawful for the Taker up of every ſuch Hog, Shoat or Pig, to carry the ſame before the next Magiſtrate of that Town, who is hereby impowered and authorized to order and appoint the ſaid Taker up of ſuch Hog, Shoat or Pig, to make publick Sale of the ſame; and after having deducted the Price allowed him by Virtue of this Act for taking up and Impounding every ſuch Hog, Shoat or Pig, which he may retain and keep in his own Hands, the Overplus or remaining Part of the Money ariſing by ſuch Sale, the Charges being alſo deducted, to pay and deliver to ſuch Magiſtrate, as ſhall order and appoint the Sale to be made, as aforeſaid, to be by him Twice a Year accounted for, and paid to the Church-wardens of the Pariſh of *York-Hampton*, to and for the Uſe of the Poor of the ſaid Pariſh. And if any Hog, Shoat or Pig, belonging to any Perſon or Perſons, not being an Inhabitant of *York* Town, ſhall be found going at large within the Limits of the ſaid Town not ringed, or not having the Noſe thereof ſufficiently cut to prevent Rooting, every ſuch Hog, Shoat or Pig ſhall be liable to be impounded, and upon Failure of Payment of the Penalty herein beforementioned, ſhall be ſold, and the Produce thereof applied in the Manner aforeſaid. *A. D.* 1714.

At a GENERAL ASSEMBLY begun at the Capitol the 3[d] Day of *August*, in the 2[d] Year of the Reign of our Sovereign Lord *George*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. *Annoq; Domini*, 1715.

An Act for the Encouragement of such Persons as have gone, and shall go voluntarily into the Service of South Carolina. No 1. Had its Effect.

An Act for raising a Publick Levy. No 2. *Ditto.*

An Act requiring the Vestry of the Parish of Henrico *to build a Chapel in the said Parish.* No 3. *Ditto.*